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S. HRG. 101-183

ALLDAY, GALLEGOS, GUERRA, AND HARRIMAN NOMINATIONS

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON THE

NOMINATIONS OF MARTIN ALLDAY TO BE SOLICITOR; LOU GALLEGOS TO BE ASSISTANT SECRETARY FOR POLICY, BUDGET, AND ADMINISTRATION; STELLA G. GUERRA TO BE ASSISTANT SECRETARY FOR TERRITORIAL AND INTERNATIONAL AFFAIRS; AND CONSTANCE HARRIMAN TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

JULY 12, 1989

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ALLDAY, GALLEGOS, GUERRA, AND HARRIMAN NOMINATIONS

WEDNESDAY, JULY 12, 1989

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 9:34 a.m., in room SD-366, Dirksen Senate Office Building, Hon. J. Bennett Johnston (chairman) presiding.

OPENING STATEMENT OF HON. J. BENNETT JOHNSTON, U.S. SENATOR FROM LOUISIANA

The CHAIRMAN. Good morning. This is a hearing on President Bush's nominations of Martin Allday to be Solicitor of the Department of the Interior, Lou Gallegos to be Assistant Secretary of Policy, Budget and Administration, Stella Guerra to be Assistant Secretary for Territorial and International Affairs, and Constance Harriman to be Assistant Secretary for Fish and Wildlife, and Parks.

Without objection, your written testimony and the committee questionnaire and the financial disclosure statements will be submitted for the record, and we would like to begin with the testimony of Senator Bentsen who will introduce two of our nominees.

STATEMENT OF HON. LLOYD BENTSEN, U.S. SENATOR FROM TEXAS

Senator BENTSEN. Thank you very much, Mr. Chairman.

I was interested to hear the Cajun pronunciation of Ms. Guerra's name.

The CHAIRMAN. We speak French in Louisiana. [Laughter.]

Senator BENTSEN. I am delighted to join with my colleague, Senator Gramm, in introducing two very distinguished Texans before this committee, two that have been nominated by the President of the United States for the Department of the Interior, one as Solicitor—and that's Mr. Martin Allday of Midland—and the other, Stella Guerra of Corpus Christi who has been nominated for Assistant Secretary for Territorial and International Affairs.

Martin Allday is a fellow that served as an infantryman in the Pacific. He has been an attorney and a civic leader in Midland for some time. He has been the managing partner of the law firm of Lynch, Chappell, Allday & Alsup. He has been president of the Midland County Bar Association, Chairman of the Oil, Gas and Mineral Section of the State Bar. That ought to impress you, Mr.

Chairman. His record of civic activities is lengthy and distinguished.

He also brings with him long experience in legal areas that are of great importance to the Department of the Interior. I think the United States Government is fortunate to have a man of this capacity and capability, a man of integrity, competence. I believe he is an excellent choice, and I would urge the support of that nomination.

I am also pleased to introduce Stella Guerra to this committee. I am convinced that she will be a valuable addition to the Interior Department team. She has had a long and an outstanding career. In her current post as the Air Force Deputy for Equal Opportunity and its Director for Equal Opportunity, she has compiled a very impressive list of accomplishments. She has also distinguished herself in prior positions at the Education and State Departments. I have no doubt but what she will make a major contribution, that she will be excellent in that capacity.

And I would strongly urge the committee's support of these nominations.

The CHAIRMAN. Thank you very much, indeed, Senator Bentsen.

If there are no questions for Senator Bentsen, I know you have hearings to get to, and we appreciate your testimony.

Next we will hear from our colleague, Senator Pete Domenici.

STATEMENT OF HON. PETE DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator DOMENICI. Thank you very much, Mr. Chairman and members of the committee.

I am here to introduce to you and to recommend for Assistant Secretary in charge of policy, budget and administration a very dear friend of mine, Lou Gallegos. He is here with his wife Toni and his daughter Louisa, and I am sure, Mr. Chairman, that we welcome them here. They have four sons. They are all off in college or in business, and they did not come today, but they are most aptly represented by their beautiful sister.

I might tell you that I am very prejudiced about this nominee. He worked for me for seven years. Three of those years he was my administrative assistant in Washington, and if he does half as good a job for the President and for the Secretary, he will be a success.

I might tell you how I met this man knowing that you appreciate anecdotes, Mr. Chairman. Actually I was looking for a man like this to work for me, and I did not know there was one in New Mexico.

I had an agricultural fellow working in my office, and one evening after work, we were talking about it. And he said, well, you don't know your state very well. There's a man up in northern New Mexico in a little town of Villanueva who has worked for the Department of Agriculture for many years, and this young man worked for the Department. He said he is the best administrator that I have ever run into, and I don't know why, but he decided to quit and go home.

I said where will I find him. He said you will find him out on the ranch. I said you're kidding. He said no. Here's the telephone number.

I called him up and he was reluctant to talk because he was on a 12 party line. [Laughter.]

And he said to me I'm delighted to talk to you. I don't know you, but I know of you. But do you think we ought to talk on this 12 party line? I remember saying, well, if we make a deal, it will become public anyway. So, we might as well talk. That is the beginning of an enormously successful relationship.

This man left the military after a number of years, went into the Department of Agriculture, rose through the ranks in the regional office, was honored for his administrative capabilities there. He left, as I indicated, to go home, and then I recruited him. He worked for me for seven years and went back to New Mexico. Then our governor recently saw the talent that he had and made him one of his cabinet members. He was Secretary of Health and Human Services in New Mexico. He has been the Director of Farmers' Home Administration in my state, the State of New Mexico, with many other activities that are a true credit to him and his family.

It is with absolute assurance that I can recommend to this committee that the President and the Secretary of the Interior have, indeed, an exemplary public servant. He is going to do an outstanding job, and I highly recommend him. I am positive that in the areas that he is assigned to he is going to be a great right-hand man for Secretary Lujan. He will do us proud.

Thank you very much, Mr. Chairman.

[The prepared statement of Senator Domenici follows:]

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Mr. Chairman, It is a distinct pleasure to introduce my good friend and compadre, Lou Gallegos, to the Committee today. The President and the Secretary of the Interior have demonstrated sound judgment in their nomination of Lou to be Assistant Secretary of the Interior for Policy, Budget, and Administration. Lou worked for me for seven years, and if Lou does half the job for the President and Secretary Lujan that he did for me, he'll be the best Assistant Secretary this Nation has every had.

Before I tell you about Lou, Mr. Chairman, I would like to welcome his wife, Toni, and his daughter, Luisa, here today. Toni and Lou also have four sons and two grandchildren.

From 1977 to 1980, Lou served as my Director of Field Operations in New Mexico. From 1980 to 1982, he was my Administrative Assistant here in Washington. In 1982, he returned to New Mexico to once again serve as my Field Director until 1984, when he resigned to run for Congress.

I found Lou on his ranch in Villanueva in Northern New Mexico in 1977, when I was looking for a Field Director. One evening I was discussing my search with a Congressional Fellow from the Department of Agriculture. He replied, "Why, you have the best person in the world out on a ranch in Northern New Mexico." I told him that he was nuts, as I thought I knew every Republican in Northern New Mexico—at that time there weren't very many, but he insisted that he was serious. He added that this Northern New Mexican, Lou Gallegos, was a long-time Department of Agriculture Food and Nutrition expert and administrator who had recently quit and gone home to his ranch.

Well, I called Lou. When he got on the line, he told me that he was on a 12-family party line and that, while he was happy to talk to me on the phone, he wanted me to know that all of his neighbors would know what we were talking about. I told him that, if our conversation worked out, it would become public knowledge anyway, so I didn't mind.

Party line or not, we made a deal. He agreed to come work for me. That day started a personal, political, and working relationship that I will always treasure because Lou is truly one of the finest and most gifted people with whom I have had the privilege of being associated.

While working for me, Lou helped many people. He traveled the State extensively, going to wherever people needed him. He has a wonderful rapport with people—he understands their problems. Most importantly, he knows how to use the resources of government to solve problems.

In addition to this work for me, Lou has extensive experience in government, both Federal and State. Before coming back to Washington earlier this year to assist the President in the transition at the Department of the Interior, Lou most recently served as Secretary for the New Mexico Department of Human Services. He also has served as State Director of the Farmers Home Administration in New Mexico and Food Stamp Program Director for the Department of Agriculture. In addition, he has been Executive Director of the New Mexico Republican Party.

The President has nominated Lou to serve under Secretary Lujan as Assistant Secretary of the Interior for Policy, Budget, and Administration. In this position, he will serve as a principal policy advisor to the Secretary and oversee all phases of management and administrative activities of the Department. Specifically, Lou will be responsible for:

Providing detailed and objective advice on program planning, budget, and policy matters;

Developing and maintaining administrative policy, standards, objectives, and procedures for use throughout the Department;

Coordinating organizational aspects of proposed legislation with appropriate bureaus and offices;

Undertaking special management-related projects for the Secretary; and

Providing management and administrative support services for the Office of the Secretary.

I have great confidence in Lou and his abilities. He will serve the President and the Nation well in this position. His record of successful, competent management and administration exemplifies the best attributes of public service. I recommend him highly to the Committee.

The CHAIRMAN. Thank you very much, Senator Domenici.

We have a statement from Senator Pete Wilson, which I will put in the record, on behalf of Constance Harriman.

[The prepared statements of Senators Wilson, Bingaman, and Wallop follow:]

STATEMENT OF SENATOR PETE WILSON
ON THE CONFIRMATION OF
CONSTANCE B. HARRIMAN
NOMINEE FOR ASSISTANT SECRETARY OF THE INTERIOR
FOR FISH, WILDLIFE AND PARKS

Mr. Chairman, I regret that other duties prevent my having the pleasure of appearing personally before your Committee to introduce Constance Harriman, the President's nominee for the post of Assistant Secretary of the Interior for Fish, Wildlife and Parks. By this letter I wish to communicate my enthusiastic support of her candidacy for this important responsibility.

Connie Harriman hails from a California family which has distinguished itself in the field of public service for many years now. I have known the Harriman family for over 20 years and am delighted that Connie is now in a position to continue her family's tradition of public service here in Washington, D.C.

Connie is a bright, dedicated and thoroughly competent attorney whose professional career has been one marked by superior legal skills and management expertise, both of which served her well in the work she did as a top lawyer for the Reagan Administration at the Departments of Justice and Interior.

As the Interior Department's Associate Solicitor for Energy and Resources in 1986 and 1987, she advised Cabinet-level personnel on issues involving energy, natural resources and public lands. In this capacity, she has developed the expertise she needs to effectively manage the fish, wildlife and park needs of the nation.

As a native Californian, Connie has a long-standing sensitivity to natural resource issues and will prove an excellent addition to President Bush's Department of the Interior management team. As an attorney with Washington experience, Connie brings with her an understanding of this city's policy-making dynamic that will allow her to hit the ground running at the Interior Department.

There are many challenging issues awaiting Connie at the Department, not the least of which is the administration of the Endangered Species Act. Endangered species in California are raising some of the most difficult and complex planning issues in my state and elsewhere. We need someone like Connie at the helm of Fish, Wildlife and Parks who can bring sound reasoning and judgement to this particular complex problem.

Again, I respectfully and enthusiastically urge the Committee to favorably act on the nomination of Constance Harriman for the post of Assistant Secretary of Fish, Wildlife and Parks.

STATEMENT OF SENATOR JEFF BINGAMAN
CONFIRMATION HEARING ON LOU GALLEGOS
JULY 12, 1989

Mr. Chairman, I am pleased to welcome Lou Gallegos back to the Senate, where he served the people of New Mexico so well as Administrative Assistant to Senator Domenici.

I also am pleased that another New Mexican, Secretary Lujan, has called upon this talented administrator to steer the day-to-day operations of the Department of the Interior.

I have known Mr. Gallegos for many years. He is a fine man, and a man well-prepared to serve as Assistant Secretary for Policy, Budget and Administration.

A stalwart for his party in New Mexico, he served as its executive director and was a candidate for Congress in 1984.

Statement of Senator Bingaman
Gallegos confirmation hearing
July 12, 1989

In addition, Mr. Gallegos understands the demands of running a business, as he is an alfalfa producer in New Mexico.

His federal service includes eight years as Program Director for the Agriculture Department's Food and Nutrition Service in the 11-state Southwest Region. There, he ably directed 200 employees in 55 offices and coordinated the issuance of $1 billion in food stamps a year. He also was the lead officer for Indian Food Assistance programs in New Mexico.

Later, Mr. Gallegos was the State Director of the Farmers Home Administration in New Mexico, and was responsible for managing FmHA loan programs.

He came to the Department of the Interior from the cabinet of Governor Carruthers, where he headed New Mexico's Human Services Department.

The Department of the Interior is a vitally important agency in our State and in the West. We in New Mexico are fortunate to

enjoy many units of the National Park System, which enriches all New Mexicans by protecting natural and cultural resources so vital to our unique heritage. We also depend on the Department's Bureau of Land Management to manage prudently hundreds of thousands of acres for range, watershed, wilderness, recreation and other purposes. The Department's Fish and Wildlife Service helps protect New Mexico's rich animal diversity. In short, New Mexico depends on the good will and the good sense of the Department of the Interior to do what is right by our natural resources. I am confident that Mr. Gallegos will do an excellent job, not just for New Mexico but for the entire country. I am sure that we will all have reason to be proud of his term of service.

Furthermore, Mr. Chairman, I am pleased to say that Mr. Gallegos numbers me among his friends. It is an honor to speak in his behalf today.

Malcolm Wallop

Opening Statement

Senator Malcolm Wallop

July 12, 1989

Thank you, Mr. Chairman. I would like to also welcome Mr. Allday, Mr. Gallegos, Ms. Guerra, and Ms. Harriman.

There is one issue that I would like to raise today which I have been concerned about since my first days as a member of the United States Senate. It is an issue that the four of you will have an opportunity to discuss from time to time. It affects residents of Guam as well as residents in every state in the Union.

Congress has already authorized the National Park Service's acquisition of 3.6 million acres of property throughout the nation, totalling over $3 billion in authorizations, for which very little appropriations from Congress have yet been made.

We currently have a backlog of authorized but unacquired lands within units of the National Park System, which are not likely to be acquired within the lifetimes of the members of this Congress, or even of our successors.

We have built a backlog of acquisition which makes additional acquisition almost wishful thinking. I regret that very much. And as I have stated before, I sincerely wish we had the resources to acquire and protect all that we should so that future generations could enjoy what we have had. But the fact is that resources are finite and priorities must be decided upon.

Without some sort of system of prioritizing, I fear we will just add more applicants to the backlog of acquisition during this Congress and in future sessions.

It is imperative that you deal with this issue. And if I or my staff can be of any assistance to you in this endeavor, I would be more than pleased to cooperate with you.

Thank you, Mr. Chairman.

Senator MCCLURE. Mr. Chairman, might I just make a statement at this point too?

The CHAIRMAN. Certainly.

STATEMENT OF HON. JAMES A. McCLURE, U.S. SENATOR FROM IDAHO

Senator MCCLURE. Rather than to go down to the table, I would like to just address the committee from this point if I can.

It is not so much for the committee that I do this as it is for others in the room that haven't had the opportunity to meet Connie Harriman. She is an exceptional young lady in many, many ways. And just to read her biography will indicate that. I'll not read it all because it is extensive, but I think people might be interested to know that Constance Harriman is a Phi Beta Kappa graduate from Stanford University with both a B.A. and an M.A. degree in history. In 1980 she earned a J.D. degree from UCLA law school where she served on the UCLA law review. After being in private practice, she joined the Department as Special Assistant to the Solicitor, later Associate Solicitor for Energy and Natural Resources at the Department of the Interior. In this capacity she advised the Secretary and assistant secretaries on natural resources and public land issues.

She comes to us with a very distinguished record in the private sector and private practice as well as her work in the government sector. And I think she will serve the Department and this government very, very ably.

Thank you, Mr. Chairman.

[The prepared statement of Senator McClure follows:]

OPENING STATEMENT OF SENATOR JAMES A. MCCLURE

HEARING TO CONSIDER NOMINATIONS TO THE DEPARTMENT OF THE INTERIOR

MARTIN L. ALLDAY TO BE SOLICITOR;
LOU GALLEGOS TO BE ASSISTANT SECRETARY FOR
POLICY, BUDGET & ADMINISTRATION;
STELLA G. GUERRA TO BE ASSISTANT SECRETARY FOR
TERRITORIAL & INTERNATIONAL AFFAIRS; AND
CONSTANCE B. HARRIMAN TO BE
ASSISTANT SECRETARY FOR FISH & WILDLIFE & PARKS

July 12, 1989

GOOD MORNING. I WOULD LIKE TO BEGIN BY WELCOMING TO THE COMMITTEE TODAY OUR FOUR PRESIDENTIAL NOMINEES FOR POSITIONS AT THE DEPARTMENT OF THE INTERIOR. I AM PLEASED TO SUPPORT THE NOMINATIONS OF MARTIN L. ALLDAY TO BE SOLICITOR; LOU GALLEGOS TO BE ASSISTANT SECRETARY FOR POLICY, BUDGET AND ADMINISTRATION; STELLA G. GUERRA TO BE ASSISTANT SECRETARY FOR TERRITORIAL AND INTERNATIONAL AFFAIRS; AND CONSTANCE B. HARRIMAN TO BE ASSISTANT SECRETARY FOR FISH, WILDLIFE AND PARKS.

MR. ALLDAY IS A VETERAN ATTORNEY AS WELL AS A STRONG EXECUTIVE WITH EXTENSIVE EXPERIENCE IN MANY OF THE AREAS OF JURISDICTION OF THE DEPARTMENT OF THE INTERIOR. SINCE 1959, MR. ALLDAY HAS BEEN ASSOCIATED WITH THE TEXAS LAW FIRM OF LYNCH, CHAPPELL, ALLDAY AND ALSUP AND SERVED AS ITS MANAGING PARTNER FROM 1971-1983. HE IS CERTIFIED BY THE BOARD OF THE STATE BAR OF TEXAS IN OIL, GAS, AND MINERAL LAW AND IS A PAST CHAIRMAN OF THE OIL, GAS, AND MINERAL SECTION OF THAT BODY; MR. ALLDAY IS ALSO A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL PARKS FOUNDATION. MR. ALLDAY'S BACKGROUND AND EXPERIENCE MAKE HIM WELL-QUALIFIED FOR THE POSITION OF SOLICITOR.

MR. GALLEGOS HAS HAD AN EXTENDED CAREER IN PUBLIC SERVICE. PRIOR TO JOINING THE DEPARTMENT OF THE INTERIOR AS AN AIDE TO SECRETARY LUJAN, MR. GALLEGOS SERVED AS CABINET SECRETARY FOR THE HUMAN SERVICE

DEPARTMENT OF THE STATE OF NEW MEXICO. FOR SEVEN YEARS, MR. GALLEGOS SERVED AS TOP AIDE TO OUR DISTINGUISHED COLLEAGUE, PETE DOMENICI, BOTH HERE IN WASHINGTON AND IN NEW MEXICO. HE WORKED FOR THE U.S. DEPARTMENT OF AGRICULTURE FOR APPROXIMATELY NINE YEARS, SERVING AS STATE DIRECTOR OF THE FARMERS HOME ADMINISTRATION AND AS FOOD STAMP PROGRAM DIRECTOR. HIS PUBLIC ADMINISTRATION EXPERIENCE WILL BE AN ASSET TO THE DEPARTMENT.

STELLA GUERRA CAME TO WASHINGTON TO BEGIN HER GOVERNMENT CAREER IN 1980 AND CURRENTLY SERVES AS THE AIR FORCE DEPUTY FOR EQUAL OPPORTUNITY AND DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY. PRIOR TO THIS POSITION, SHE WAS EMPLOYED BY THE DEPARTMENT OF EDUCATION AS SPECIAL ASSISTANT TO THE DEPUTY UNDER SECRETARY FOR INTERAGENCY/INTERGOVERNMENTAL AFFAIRS; AND AT THE DEPARTMENT OF STATE AS SPECIAL ASSISTANT TO THE WHITE HOUSE CHIEF OF PROTOCOL. BEFORE COMING TO WASHINGTON, STELLA GUERRA SPENT OVER 13 YEARS AS AN EDUCATOR IN SAN ANTONIO, TEXAS.

CONSTANCE HARRIMAN HAS HAD A DISTINGUISHED CAREER AS AN ATTORNEY, BOTH IN GOVERNMENT AND IN THE PRIVATE SECTOR. SHE IS CURRENTLY AN ASSOCIATE WITH THE LAW FIRM OF STEPTOE & JOHNSON. HAVING SERVED AS AN ASSOCIATE SOLICITOR AND SPECIAL ASSISTANT TO THE SOLICITOR AT THE DEPARTMENT OF THE INTERIOR, CONSTANCE HARRIMAN IS VERY FAMILIAR WITH THE NATURAL RESOURCE AND PUBLIC LANDS ISSUES WHICH FACE THE DEPARTMENT. SHE ALSO SERVED AS AN ATTORNEY-ADVISOR IN THE OFFICE OF LEGAL POLICY AT THE DEPARTMENT OF JUSTICE. HER BACKGROUND AND EXPERIENCE ARE APPROPRIATE FOR THE POSITION OF ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS.

The CHAIRMAN. Thank you, Senator McClure.

Last and only because of the order of seniority, but not least, is Senator Phil Gramm from Texas.

STATEMENT OF HON. PHIL GRAMM, U.S. SENATOR FROM TEXAS

Senator GRAMM. Thank you, Mr. Chairman. I am happy to be here today and join with my senior colleague, Senator Bentsen, in recommending two Texans that we are very proud of.

We don't have the dealings with the Department of the Interior that most western states have. We were fortunate in coming into the Union that we had virtually no Federal lands and kept ownership even of our river bottoms, of which we are proud. But we are happy today to——

The CHAIRMAN. The Federal Government didn't want it in Texas. [Laughter.]

Senator GRAMM. Whether they wanted it or didn't, we are happy they don't own it. [Laughter.]

And I am sure there are many western Senators here who would wish to be in that position, Mr. Chairman.

But in any case we are happy today to be here to recommend two of our fellow Texans. Martin Allday is a well-known, highly respected lawyer in Midland, probably one of its distinguished community and civic leaders. He is a great lawyer. He is a distinguished warrior who served his country in the Pacific. He has been involved in almost everything good in Midland County in promoting the wellbeing of the people who live there. He is exactly the kind of person I would want to be my solicitor if I were trying to run the Department of the Interior. I am very happy to strongly recommend Martin Allday.

Stella Guerra is a proven leader. She has been in the Department of Education where she worked her way up through the ranks. She has been at the Department of Defense. She was a successful small businesswoman prior to coming into government. She was born in Corpus Christi and educated at Texas A&I University. I have great confidence in her ability, and I think she brings to the Department of the Interior a proven record as an administrator and as a person who can get things done.

So, I'm happy, Mr. Chairman, to recommend both these Texans to you and commend them to you for nomination.

The CHAIRMAN. Thank you very much, Senator Gramm.

Ladies and gentlemen, the rules of the committee which apply to all nominees require that they be sworn in connection with their testimony. If you will please rise and raise your right hand.

[Whereupon the nominees were duly sworn by the chairman.]

The CHAIRMAN. Before you begin your statement, I will ask each of you three statements starting down with Mr. Allday and coming down to my right. I will ask these one at a time.

Will you be available to appear before this committee and other congressional committees to represent departmental positions and respond to the issues of concern to the Congress?

Mr. ALLDAY. Yes, sir.

Mr. GALLEGOS. Yes, sir.

Ms. GUERRA. Yes, sir.

Ms. HARRIMAN. Yes, sir.

The CHAIRMAN. Are you aware of any personal holdings, investments or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the President?

Mr. ALLDAY. Only those that are reflected in the filings and the forms that have been submitted with respect to my situation, all of which will be removed upon confirmation.

Mr. GALLEGOS. Mr. Chairman, I know of no others than those as indicated in the documents that I submitted to the committee.

Ms. GUERRA. Mr. Chairman, I know of none.

Ms. HARRIMAN. Mr. Chairman, I have been advised that I have none.

The CHAIRMAN. Thank you.

Are you involved or do you have any assets held in blind trusts?

Mr. ALLDAY. No, sir.

Mr. GALLEGOS. No, sir.

Ms. GUERRA. No, sir.

Ms. HARRIMAN. No.

The CHAIRMAN. All right. I am pleased then to begin with Martin Allday to be Solicitor. Please proceed.

STATEMENT OF MARTIN LEWIS ALLDAY, NOMINEE TO BE SOLICITOR, DEPARTMENT OF THE INTERIOR

Mr. ALLDAY. Thank you, Mr. Chairman. I would like to start out by thanking Senators Bentsen and Gramm for the introduction that they gave.

I would also like to introduce my wife Patricia, the lady in red back here, who is as pretty on the inside as well as on the outside.

The CHAIRMAN. Welcome.

Mr. ALLDAY. Mr. Chairman and members of the committee, I am privileged and I am honored to appear before you today as President Bush's nominee to be Solicitor of the Department of the Interior. I truly want to serve in this important position and I hope that you will find me qualified to do so.

I was born in Arkansas but moved to Texas at a very early age and grew up in the state capital of Austin. I served with the infantry at Okinawa, the last large land battle of World War II, and was wounded by machine gun fire while I was 18 years old.

Upon discharge from the Army, I returned to the University of Texas at Austin for my undergraduate studies and later law school. After graduation from law school, I worked as a legal examiner at the Railroad Commission of Texas for 18 months. Later I worked for seven years in the legal department of an oil and gas company in Midland and in Houston, Texas.

In 1959, I returned to Midland to join a two-man law firm that had just been formed. I have been with that firm for 30 years, for 15 years as the managing partner. Lynch, Chappell, Allday & Alsup now has over 40 lawyers with offices in Midland, Austin and Dallas.

I am a past president of my local bar association and a member of the Texas and American Bar Associations, the American College

of Probate Counsel, the Texas Bar Foundation, and I have served as chairman of the Oil, Gas and Mineral Section of the State Bar of Texas.

I have served as a member and in leadership roles in a number of organizations, which are listed on a separate page of this statement which I will introduce. I now serve as a director and Treasurer of the National Parks Foundation. That position has given me an overview of this Nation's Park Service and the needs and problems of our great national parks. As a director these past four years, I have been fortunate to have visited 10 of the country's major national parks.

Except for the national parks and I guess some property that is owned by the Defense Department, all of the public lands in Texas are state-owned. For more than 25 years I have had experience with the administration of those public lands. My experience has included the leasing of state-owned lands for oil and gas, both onshore and offshore, and also the leasing of both soft and hard rock minerals, and I have drafted and helped pass legislation affecting these lands. I have worked very closely with the elected and career officials who administer those lands and I have been sensitive to the interests and the concerns of the members of the state legislature which is, of course, charged with the responsibility of providing the laws by which such public lands are administered.

I love the land and its wildlife, its fish, its scenery, and its resources. For a number of years, through my representation of several clients, I have helped protect those wonderful assets.

I am excited and challenged with the prospect of being involved with the stewardship of this country's public lands. I have no personal agenda, but only a true interest and a desire to be a part of a team headed by President Bush and Secretary Lujan in their stewardship. "To pass on our national treasures to the next generation in better shape than we found them" is a quote that I adopt. They are committed, as I am sure you are, to guarding and developing this country's natural resources in a thoughtful, studied and caring manner. If confirmed, I want to help them do so by working with you and other members of the Congress.

I will respond to any questions that you might have, sir.

[The prepared statement of Mr. Allday follows:]

Statement of Martin Lewis Allday
before Committee on Energy and Natural Resources
United States Senate

Mr. Chairman and Members of the Committee. I am privileged and I am honored to appear before you today as President Bush's nominee to be Solicitor of the Department of the Interior. I truly want to serve in this important position and I hope that you will find me qualified to do so.

I was born in Arkansas but moved to Texas at a very early age and grew up in the state capital of Austin. I served with the Infantry at Okinawa, the last large land battle of World War II, and was wounded by machine gun fire while I was 18 years old. Upon discharge from the Army I returned to the University of Texas at Austin for my undergraduate studies and later law school. After graduation from law school I worked as a Legal Examiner of the Railroad Commission of Texas for 18 months. Later I worked for seven years in the Legal Department of an oil and gas company in Midland and Houston, Texas. In 1959, I returned to Midland to join a two-man law firm that had just been formed. I have been with that firm for 30 years, for 15 years as managing partner. Lynch, Chappell, Allday & Alsup now has over 40 lawyers with offices in Midland, Austin and Dallas.

I am a past president of my local Bar Association and a member of the Texas and American Bar Associations, the American College of Probate Counsel, the Texas Bar Foundation, and I have served as Chairman of the Oil, Gas and Mineral Section of the State Bar of Texas.

I have served as a member and in leadership roles in a number of organizations, which are listed on a separate page of this Statement. I now serve as a director and Treasurer of the National Parks Foundation. That position has given me an overview of this nation's Park Service and the needs and problems of our great National Parks. As a director these past four years I have been fortunate to have visited ten of the Country's major national parks.

Except for the National Parks, all of the public lands in Texas are state-owned. For more than 25 years I have had experience with the administration of those public lands. My experience has included the leasing of state-owned lands for oil and gas, both on-shore and off-shore, and also the leasing of both soft and hard rock minerals, and I have drafted and help pass legislation affecting such lands. I have worked closely with the elected and career officials who administer those lands and I have been sensitive to the interests and concerns of the members of the State Legislature which is of course charged with the responsibility of providing the laws by which such public lands are administered.

I love the land and its wildlife, fish, scenery and resources. For a number of years, through my representation of several large landowners, I have helped protect those wonderful assets. I am excited and challenged with the prospect of being involved with the stewardship of this country's public lands. I have no personal agenda, but only a true interest and desire to be part of a team headed by President Bush and Secretary Lujan in their stewardship . . . "to pass on our national treasures to the next generation in better shape than we found them." They are committed, as I am sure you are, to guarding and developing this Country's natural resources in a thoughtful, studied and caring manner. If confirmed, I want to help them do so by working with you and other members of the Congress.

I will answer any questions you may have.

Continuation of list of all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organzations.

Midland Memorial Foundation	05/81 to present	Governor
Permian Basin Petroleum Museum	01/74 to present	Trustee
Ducks Unlimited	01/83 to present	
Sportsmen's Club of Texas	01/80 to present	
National Rifle Association	appx. 1980 to present	
United States Golf Association	01/80 to present	
Midland Country Club	01/63 to present	Past President
Midland Petroleum Club	01/71 - RESIGNED	Past Director
Plaza Club	01/81 to present	
Exchange Club of Midland	appx. 1975 to present	
High Sky Children's Ranch	01/89 to present	Governor
Permian Basin Area Foundation	02/89 - RESIGNED	
Midland Jay Cees	1953 - 1961	Past President
Midland Chamber of Commerce	1959 to present	Past President
Industrial Foundation of Midland	1965 - 1970	Past President
United Way of Midland	1959 - present	Past Vice Pres.
Oil, Gas & Mineral Section, State Bar of Texas	Late 1970's	Chairman
North American Royalties, Inc.	1979 - present	Director
First City National Bank	1988 - present	Advisory Director
National Park Foundation	1985 - present	Director and Treasurer

The CHAIRMAN. Before we get to questions, we will go ahead and hear from the other witnesses first.

Mr. Gallegos.

STATEMENT OF LOU GALLEGOS, NOMINEE TO BE ASSISTANT SECRETARY FOR POLICY, BUDGET AND ADMINISTRATION, DEPARTMENT OF THE INTERIOR

Mr. GALLEGOS. Mr. Chairman, thank you very much. It is, indeed, a distinct honor and pleasure for me to appear before this committee as the nominee of the President and as recommended by Secretary Lujan. I want to thank Senator Domenici for his most gracious and generous introduction and am personally proud that he noted the presence of my wife and daughter here.

As he indicated, it is a long way from Villanueva, New Mexico, to this room. Parenthetically, Villanueva was founded in 1776. So, I feel a distinct honor to perhaps in some small way represent that community before this body.

I have submitted a written statement for the record. I only want to assure this committee that the Secretary and I are personally committed to the building of a culture of fairness and a culture of quality within the Department of the Interior and with all of its trusts throughout the country and, for that matter, the world. We are committed to involving the American public to a much more greater degree with the Department of the Interior. The Secretary has spoken about 100,000 volunteers being involved with the Department of the Interior. And I believe that is the type of measure that we need to create the culture of fairness within this institution.

If confirmed—I'm excited—and I look forward to being part of the President's and the Secretary's team in this Administration. Thank you.

[The prepared statement of Mr. Gallegos follows:]

STATEMENT OF LOU GALLEGOS

BEFORE THE

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

It is truly an honor to appear today before this committee. As many of you know, I am from the State of New Mexico. Having been raised in a small community with a modest two-digit population, the prospect of someday appearing before such a distinguished body for this purpose was remote beyond calculation. That I am in this room with you today, in my view, underscores the unique nature of the American system which has as its cornerstone the precepts of individual freedom and equal opportunity.

I am deeply grateful to the President and to Secretary Lujan for giving me the opportunity to serve this administration, Congress and the American people as Assistant Secretary of the Interior for Policy, Budget and Administration.

When he spoke before this committee last January, Secretary Lujan talked about the principle of stewardship and its premise that, as managers of our natural resources, we must be mindful of our obligation to future generations. The Secretary has been steadfast in his belief that in order to be good stewards our primary goal must be to achieve a sense of harmony between the

human environment and the natural environment; and that in doing so we will guarantee that both a sound economy and a quality environment will be our legacy to the next generation.

I share the Secretary's vision and his commitment to the stewardship principle. Developing creative yet practical initiatives that are consistent with this principle and that will yield tangible results is a challenge which I am anxious to undertake. Already, progress has been made on a number of fronts.

Improving the management of our nation's water resources and establishing a plan for achieving measurable improvements in conserving the nation's wetlands are two objectives at the forefront of our policy agenda. Other key initiatives include implementing oil, gas and coal leasing policies that promote energy self-sufficiency in an environmentally safe manner; establishing a long-term global/climate change program; and improving the quality of education provided by schools funded by the Bureau of Indian Affairs.

It is true, however, that policies and ideas are only as good as the people who are charged to carry them out. At the same, this position also requires a stewardship of the resources derived from our nation's taxpayers. I will be diligent in the management of those resources by combatting waste and abuse.

I am also committed to the quality of the human resource; that is of personnel, morale, leadership and equal opportunities. Similarly, it is my intention to provide leadership in giving direction to new management policies and techniques dealing with department personnel, information resource management, uniform accounting practices and internal controls. The Secretary and I are unequivocally committed to a culture of fairness and a culture of quality.

The importance of volunteerism and national service to the health of our society is a theme which President Bush has repeatedly stressed. Indeed, this is an exciting time to be involved in public service. In just a few short years we will cross the threshold to a new century and a new millenium. The upcoming years will no doubt be a time of dramatic change. In a very real sense, America's future depends on the ability of its public servants to anticipate, understand and prepare for those changes.

I look forward to the opportunity to join with Secretary Lujan in meeting this challenge and I thank the members of the committee for your consideration.

The CHAIRMAN. Thank you very much, Mr. Gallegos.
Ms. Guerra.

STATEMENT OF STELLA G. GUERRA, NOMINEE TO BE ASSISTANT SECRETARY FOR TERRITORIAL AND INTERNATIONAL AFFAIRS, DEPARTMENT OF THE INTERIOR

Ms. GUERRA. Thank you, Mr. Chairman and members of the committee.

First of all, I also would like to add my appreciation to Senators Bentsen and Gramm for their appearance on our behalf today.

I am honored to be before you today as President George Bush's nominee for the position of Assistant Secretary for Territorial and International Affairs. I welcome the opportunity to come before you today to outline my background and my professional experience for your consideration. And I understand too, Mr. Chairman, that my written statement has been submitted for the record. Therefore, I will summarize some of the things that I have included in my statement because I consider them important.

As you've heard, I was born and raised in Texas, Corpus Christi to be exact, and I was educated in Texas. I remained there in both Corpus Christi the first 22 years of my life and then moved on to San Antonio where I did a graduate degree at our Lady of the Lake and where I stayed 13 years prior to coming to Washington, D.C.

I have been in Washington 10 years where I have worked at the Department of State, the Department of Education, and the Department of Defense. Each one of those positions that I have had has not only helped give me a very good knowledge, working knowledge, of the government structures, but has also prepared me to be an effective manager of both people and resources.

If confirmed by the Senate, I am committed to assisting the Secretary of the Interior, Secretary Lujan, in carrying out his stewardship mission. He has indicated to me in early conversations that he will place top priority in the territorial affairs, the insular areas. And I am also aware of the interest and the commitment that this committee has on insular issues.

I will work diligently in addressing the unique challenges and responsibilities which confront us today in the insular areas and also to strengthen the relationship between our Federal Government and the insular governments.

Contained in my statement is also some marching orders that President Bush has given to his appointees, and I personally have taken them and applied them as to how I will carry out my responsibilities.

On top of the list is "think big". This I consider as part of the innovation as well as the government-wide coordinated effort that must take place if we are to meet our responsibilities and our objectives in the insular areas.

Another one which is most important is "work with Congress". During my tenure, I expect to have a good working relationship with the Congress and members of the committee. I believe that this is important especially during a time of budget constraints.

At the bottom of the list, but not least, is "represent the United States with dignity". And I am confident that as I approach the

other objectives of my marching orders, that I will have represented the United States with dignity.

I will respond to any questions, and I thank you for the opportunity to appear before you today. Thank you, Mr. Chairman.

[The prepared statement of Ms. Guerra follows:]

STATEMENT

OF

STELLA G. GUERRA

BEFORE

THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

REGARDING

HER NOMINATION AS

ASSISTANT SECRETARY OF THE INTERIOR

FOR

TERRITORIAL AND INTERNATIONAL AFFAIRS

JULY 12, 1989

Mr. Chairman and distinguished members of the Committee.

I am honored to appear before you today as President George Bush's nominee to be Assistant Secretary for Territorial and International Affairs. I welcome the opportunity to outline my background and professional experience for your consideration.

I was born and raised in Corpus Christi, Texas where I lived the first twenty-two years of my life. Upon completion of a bachelor of science degree at Texas A & I University, I moved to San Antonio, Texas to begin work on a master's degree which I completed at Our Lady of the Lake University. My thirteen years in San Antonio were spent as an educator, a small business owner and an avid supporter of the performing arts. My community involvement led to my being selected for "Leadership San Antonio", a one-year internship in the public administration of the urban development process.

Early in 1980, I arrived in Washington, D.C. to enter public service. For almost ten years, I have been privileged to work in three major departments of the federal government - State, Education and Defense.

In addition to gaining a working knowledge of our government, each position has prepared me to be an effective

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manager of people and resources. Furthermore, I believe that people in public service at all levels must be accountable for their actions and decisions. My personal experience has been to consistently and progressively be challenged in levels of performance and responsibility.

As a staff assistant in the Department of State I learned the importance of diplomacy and the role it plays in building and strengthening relationships - not only among nations but also among the people we serve - our constituencies.

As Special Assistant for International Affairs at the Department of Education, it became clear that no matter who we are, or where we come from, a quality education is essential to social and economic development, as well as the enhancement of an individual's quality of life. Being in the intergovernmental/interagency arena reaffirmed the importance of communication. Communication is imperative if we are to build interagency cooperation - and interagency cooperation is critical if we as a nation are to meet our goals.

Over six years in the Department of Defense has shown me the importance of meeting America's commitments to national and world security - a commitment in which the insular areas of the United States play an important role. As Air Force Deputy for Equal Opportunity I have cultivated a deep respect for human dignity

and a sincere appreciation for the diversity of our nation's people.

These are a few of the highlights of my experience which I present to you as the basis for my qualifications to serve the Administration of President George Bush.

If confirmed by the Senate, I am committed to assisting the Secretary of the Interior carry out his stewardship mission. Early in our discussions, Secretary Lujan emphasized that an improved federal-insular relationship would be one of his top priorities. I am also aware of the special interest and commitment which have been shown by the Chairman and members of the Committee in addressing insular issues. I will work diligently in addressing the unique challenges and responsibilities which today confront the Congress and the Executive Branch as we strengthen the relationship between the federal government and insular areas.

I look forward to working with the Congress and the Committee as we strive to improve the effectiveness and delivery of federal programs for the insular areas. And I assure you of my fullest cooperation in providing any information the committee may feel useful.

Mr. Chairman, as Assistant Secretary I view my

responsibilities in direct correlation to the guidance which has been provided by the President to his political appointees in the form of "Marching orders".

They are:

1. "Think Big". Innovation as well as strong interagency coordinated effort will be required as we work to further the political, economic and social goals of the territories, commonwealths and freely associated states.

2. "Challenge the System". I firmly believe we should not accept the concept that just because this is the way things have been handled in the past, we should automatically continue such policies in the future. We must be open to reconsideration of both past and present policies.

3. "Adhere to the highest ethical standards". I fully support this directive and would expect the staff of the Office of Territorial and International Affairs to join me in setting an example.

4. "Be on record as much as possible". I firmly believe that the people's business must be conducted in public. If it cannot be, we should ask ourselves why.

5. **"Be frank".** I want others to be frank with me and I would hope that others would want no less from me. I strongly support increased communications and understanding between the federal government, the Congress and the insular areas.

6. **Fight hard for your position".** I consider this a key instruction in line with the responsibility of the Assistant Secretary to serve within the Administration as an advocate for the insular areas in their dealings with the federal government. That leads directly to the next order.

7. **"When I make a call, we move as a team".** I, of course, feel a strong sense of loyalty to the President and the Secretary and I am dedicated to support their efforts. I do not believe there is any conflict between the responsibilities of advocacy and loyalty.

8. **"Work with Congress".** The history of the congressional relationship on insular matters mandates the importance of this instruction. A cooperative effort is required if we are to be successful in our desire to strengthen the federal-insular relationship.

9. **"Represent the United States with dignity".** In successfully accomplishing all of the previous instructions, I am confident I will have met this requirement.

Mr. Chairman, and members of the Committee, you have before you a brief overview of my experience and values which will provide a solid foundation for my role as Assistant Secretary for Territorial and International Affairs.

Upon confirmation, I propose to concentrate my initial effort on placing greater emphasis on the advocacy role of the office and improving the level of communication and consultation between federal agencies, the Congress, and the insular governments. While I don't suggest this as a simple solution to the complex issues before us, I am confident that together we may find the right answer.

Mr. Chairman, I appreciate the opportunity to appear before the committee. I would be happy to respond to your questions. Thank you.

The CHAIRMAN. Thank you very much, Ms. Guerra.
Ms. Harriman.

STATEMENT OF CONSTANCE HARRIMAN, NOMINEE TO BE ASSISTANT SECRETARY OF FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Ms. HARRIMAN. Thank you, Mr. Chairman. I would like to thank Senator McClure for introducing me. I consider it a deep honor.

Mr. Chairman and distinguished members of the committee, I am pleased and honored to be before this committee today.

I understand that I have a printed statement that has been submitted for the record, and I would like to make a few comments from that statement.

A recent study by the pollster Lou Harris entitled, "The Rising Tide," indicates that the American public ranks the environment as one of the most critical issues facing our Nation. I share the public's concern for safer drinking water, cleaner air, restored and expanded parks, and healthier wildlife refuges. These are deep personal concerns of President Bush as well. Let me assure you that I, too, consider our environment the most important asset we possess.

Furthermore, I am keenly aware of the critical role that the Department of the Interior has in the conservation and wise use of our environment. And fish and wildlife and parks plays one of the most important parts in this process.

Being a westerner, as well as someone who has worked within the Department, I am deeply conscious of the broad and important responsibilities the Assistant Secretary has. Let me tell you what I will bring to the job.

First, a little about my background. I am a native Californian. I grew up in Los Angeles, studied at Stanford where I graduated Phi Beta Kappa with a degree in history and later obtained a masters degree in history also from Stanford. And in 1980 I received my J.D. degree from UCLA law school. Since then I have practiced law as a litigator for two distinguished law firms, one in Los Angeles, the other in Washington, D.C. I have also worked at the Department of Justice in the Office of Legal Policy. And more important for you to know, I have already worked at the Department of the Interior. I am familiar with its organization, its personnel and its mission.

Since early childhood, I have had an abiding awe and interest for the spectacular American outdoors. I have camped, hiked or visited not less than 27 units in our National Park System. I'm a bicyclist, a jogger, a snorkler and a horseback rider, and I have vacationed in many areas of the country from Payette Lake in Idaho to Hyannis Port in Cape Cod.

My study of law and history have shaped my approach to decisionmaking and management. You might like to know about my management style. I will encourage debate. I will draw upon experts, particularly the dedicated professionals in the National Park Service and the Fish and Wildlife Service. I will encourage career people to speak out and to think creatively. I will seek the views of the environmental community and other constituent groups, and I

will continually consult with Senators, Congressmen and their staffs. My style will be inclusive, responsive and, above all, fair.

If confirmed, I will diligently pursue the goals set by the Secretary and the President.

Let me conclude by saying that the Assistant Secretary for Fish and Wildlife and Parks has a fiduciary responsibility to the American people of today and of the future to be a vigilant steward of our Nation's natural heritage, a steward of its cultural heritage and a steward of its historic heritage. If confirmed, I will be that steward.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Harriman follows:]

STATEMENT OF CONSTANCE B. HARRIMAN
BEFORE THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
JULY 12, 1989

Mr. Chairman and distinguished members of the Committee, I am honored to appear before you today as President Bush's nominee to be the Assistant Secretary for Fish and Wildlife and Parks. It is especially gratifying because, if confirmed, I will be the first confirmed female Assistant Secretary for Fish and Wildlife and Parks in the Department's history.

I am a native Californian. I was born on the campus of Stanford University, where my father studied law. After 16 years growing up in Los Angeles I returned to Stanford for both college and graduate school. I graduated Phi Beta Kappa, with a Bachelor's Degree in History and later I obtained a Master's Degree in History. In 1980, I graduated from UCLA Law School. Since then, I have spent approximately seven years as a litigator at two distinguished law firms -- one in Los Angeles, the other in Washington, D.C.

In addition to my private sector experience, I have spent nearly three years working in the Federal Government -- during 1982 at the Department of Justice in the Office of Legal Policy and from 1985 through 1987 at the Department of the Interior in the Office of the Solicitor.

I have an abiding appreciation and awe for the spectacular American outdoors. I am a hiker, a jogger, a bicyclist, a horseback rider, a snorkler, and a water skier. Sometimes, like Thoreau, I enjoy just sitting and observing nature.

My enthusiasm for America's National Parks began at the age of four when my parents took my older brother and me to Sequoia and King's Canyon National Parks. Since then, I have camped, hiked, or visited at least twenty-five other units of the National Park System from Haleakala National Park in Hawaii to Cape Cod National Seashore in Massachusetts.

I have also spent memorable summer days at other beautiful areas such as Payette Lake, Idaho, Lake Erie. Today, my love of the outdoors is nurtured by my frequent walks in the Montgomery County Park behind my house where I experience first-hand nature's restorative powers.

In addition to my reverence for the remarkable American outdoors, I have a special appreciation for historic preservation. This appreciation was heightened during my sophomore year in Florence, Italy. I lived there immediately after the Great Flood of 1967. Watching meticulous craftsmen painstakingly and lovingly restore,

brushstroke-by-brushstroke and nail-by-nail, the architectural treasures synonomous with Italy's past, impressed upon me the need to protect, preserve, and restore our Nation's historic treasures.

My study of history and law and my years as a practicing attorney have shaped my approach to management and decisionmaking. I have learned over the years that to reach a well-informed and defensible conclusion, you must first recognize what you don't know and rely on experts who do. Second, identify peoples' biases and threshold assumptions. Third, form a question properly to avoid a predetermined answer. Fourth, relentlessly seek out the facts and consider every data source and point of view. Fifth, carefully weigh and balance competing claims and perspectives. And, finally, make a decision based on the best available data, rigorous reasoning, and your best judgment.

In this spirit, if confirmed, I will encourage robust debate of the issues under my purview. I will continually draw upon the experience and expertise of the outstanding professionals in the National Park Service and the Fish and Wildlife Service. I will encourage career employees to speak out and to think creatively. I will also seek out the views of the environmental community and other groups. I will continually ask Senators, Congressmen, and their staffs for help, advice, and constructive criticism.

In short, my management style will be to welcome the views of all interested parties, to build a strong factual record, and to seek consensus. My overriding goal is to be inclusive, responsive, and fair.

As an attorney, I am mindful of the myriad laws affecting the missions of the National Park Service and the Fish and Wildlife Service and the laws affecting management of natural resources in the Park and Refuge Systems. I am also mindful of the need to comply with existing law and, in particular, to carry out Congressional intent.

President Bush has said:

> "[T]he protection of the environment and the conservation and wise management of our natural resources - this whole notion of stewardship - must have a high priority on our National agenda."

If confirmed as Assistant Secretary, I will diligently pursue the goal of both President Bush and Secretary Lujan of STEWARDSHIP of our natural resources. The Assistant Secretary for Fish and Wildlife and Parks has a fiduciary responsibility to the American people to be a vigilant steward of our Nation's natural, cultural, and historic heritage. In addition, I will support fully the 10-point agenda outlined by President Bush and Secretary Lujan for the Department of the Interior.

Mr. Chairman, in closing I would like to mention a recent study entitled The Rising Tide. This study highlights recent public opinion polls conducted by Harris and others. It indicates that the American public ranks the environment as one of the most critical issues facing our Nation. It also indicates the public has lost confidence in our Government's ability to protect the environment. I share the public's concern for safer drinking water, cleaner air, restored and expanded parks and healthier wildlife refuges. These are deep personal concerns of President Bush as well. I believe that under the able leadership of President Bush and Secretary Lujan, a unique opportunity exists to confront the environmental issues challenging our Nation. We have the motivation, we have the ability, and we have the commitment.

Mr. Chairman, Members of the Committee, that concludes my statement. I will be glad to answer any questions you may have.

The CHAIRMAN. Thank you very much, Ms. Harriman.

Mr. Allday, we are pleased to have you here. Your legal background will stand you in good stead.

Have you had experience in oil and gas law?

Mr. ALLDAY. Yes, sir, over 35 years.

The CHAIRMAN. Now, you know that the oil and gas law has been sort of an evolution from what was originally the rule of capture, and we have gone away from that to unitization and all of that. Can you tell me why you in Texas, why we in Louisiana, why around the country we have gotten away from the rule of capture?

Mr. ALLDAY. Well, it would appear to me that unitization was given birth by a desire to recover as much of the natural resource as could possibly be recovered and to avoid drilling unnecessary wells. If you have an area which can be drained by one well, whether it be 20 acres, 40 acres, 640 acres, whatever size is determined by the regulatory agency involved, only one well put down would save money and resources and that well would drain that particular area.

The CHAIRMAN. Now, I am quite sure you are aware of the sensitivity to drilling off shore. One of our raging controversies right now is a moratorium on drilling off California, off most parts of Alaska, off Florida. People don't want to drill those wells off shore. You are aware of that.

Mr. ALLDAY. Yes, sir.

The CHAIRMAN. Would you therefore not agree with me that the drilling of unnecessary wells in those parts of the Gulf of Mexico where it is allowed would be a very unwise thing to do?

Mr. ALLDAY. Yes, sir.

The CHAIRMAN. Well, with that mind-set, I would urge you to get into the controversy we are now having in the West Delta field under which the Department of the Interior continues to pursue the rule of capture, and has been unwilling to go into unitization, Federal lessees have drilled unnecessary wells, draining not only state lands, but the lands held by private lessees. It is not only unjust, I think it is illegal and I think it is very bad policy.

I do not ask you to give me your opinion at this point on what ought to be done, but you are aware of the law and the reason for the law. And it is just dead wrong, just absolutely dead wrong. And I hope as Solicitor you will get in there and bring some sense to that thing because it just doesn't make any sense. Here we are. We have leasing moratoriums and the Federal Government is pursuing a policy where it requires unnecessary wells way beyond the number of wells that could properly drain these reservoirs, trying to be first in there so they can drain these lessees in the State of Louisiana. It is just dead wrong.

You will look at that bringing to bear your experience, your judgment and your wisdom I trust.

Mr. ALLDAY. Yes, sir. And I do understand that that is an issue that is boiling currently, and I also understand there is some discussion between the Department and other folks about how that properly ought to be treated.

The CHAIRMAN. I hope it will be done right.

That question brings to mind just the general observation that as Solicitor for the Department——

Mr. ALLDAY. Sir, I'm sorry?

The CHAIRMAN. Excuse me?

Mr. ALLDAY. I didn't understand you.

The CHAIRMAN. I said it brings to mind that as Solicitor for the Department of the Interior, you are both a lawyer for the Department of the Interior to bring about their policy goals, but you are also somewhat of a judge. You have to play both roles. I do not mean to say that you are going to be at odds with the Secretary of the Interior when he finally gets your final advice, but I do mean that we have had through the years occasionally some difficulty when solicitors saw their role as being solely that of marching to the orders of the chief. You need sometimes to tell the chief what the law is and be firm about it, and what the policy ought to be.

And I hope you will do that. You have the experience, the background to be both a lawyer and a counselor, and I would urge you to use your role as counselor not just in West Delta, but in a whole range of areas. And certainly your background qualifies you to do that.

Mr. ALLDAY. Thank you, Senator.

The CHAIRMAN. Now, Ms. Guerra, I have and I know Senator McClure has—an abiding interest in the territories. My first subcommittee was the Subcommittee on Territories way back when you were still in grammar school probably. Senator McClure, I think you were ranking minority member at that time, and then you became chairman. We have gone back and forth on this.

It is a very, very challenging and very, very difficult job on territories, and it has not always been done with great skill. Not to talk about any particular one, some have been better than others.

You don't have any background in the territories, and as far as I'm concerned, that is not a disqualification because it is such a narrow skill. I mean, who does have skill in the territories? Not very many people. But at the same time, I can't tell you how difficult it is because each one of the islands is different. It has its own history, background, culture, difficulties, political challenges. They are just very, very difficult.

You will have to be tough because you have to spot difficulties there and come up and tell us about the difficulties. And you cannot be lulled into being a good guy or a good gal because you don't want to be unpleasant with these people. You have to be very skeptical. You, on the other hand, have to plead their case where there are needs, and there are huge needs out there.

We can't spend all our time deciding whether or not we have to replace a hospital or make repairs in a hospital on one of the islands that is damaged by a typhoon. And we can't know everything about whether they are wasting money somewhere, whether they really need that money from us because we are always short of money, and they are frequently pleading for it. So, we need to be able to rely on you to give us good advice on that and to give us good advice on all of those policies out there.

You are not exactly an administrator. We do not administrate those territories, and some who have held your position in the past thought of themselves as administrators and tried constantly to second guess what they were doing in some of these territories. And that is not the role. The role is really one of facilitator, coordi-

nator, one to plead their case or to plead against their case as the merits of the situation demand.

All I can tell you is it is a very, very difficult and challenging job. I know you know it is challenging. I don't know whether you know quite how difficult and how challenging it is. It is one of the really important positions because these islands may be small, but they are like an independent nation, each one with its own set of problems and challenges.

I guess there is no question except to say that I hope you will look at it with that attitude. I know you will.

Ms. GUERRA. I plan to, Mr. Chairman.

The CHAIRMAN. Now, Ms. Harriman, the Assistant Secretary for Fish and Wildlife and Parks is one of the most important and, I might add, coveted positions in all the Federal Government. You say all the right things about your sensitivities about parks, but I think if there is one thing that unites both sides of the aisle on this committee is our worship at the shrine of fish and wildlife and parks, a desire to see those values promoted, protected, preserved, and expanded.

And you will have to play all those roles as a protector sometimes against other people in your own administration. And you should play that role. The Assistant Secretary for Fish and Wildlife and Parks should stand up to the Secretary himself if you think he is doing something—I do not mean to say that this Secretary would, but it is your role to stand up against anyone, including your boss, to protect these values. Your position, more than any other, is to protect these resources and to plead in the administration for the resources to expand them. And that has been a constant fight. In some administrations they have tried to cut way back. You should be the point person to try to expand them as we seek additional resources.

I know you know that it is true, and I won't ask a question do you believe that because I know you would say yes.

Ms. HARRIMAN. I'll say yes for the record. [Laughter.]

Senator BUMPERS. What was the question, Mr. Chairman?

The CHAIRMAN. She just said yes. [Laughter.]

Now, are you familiar with the problem of coastal erosion and wetland loss in Louisiana?

Ms. HARRIMAN. I certainly am.

The CHAIRMAN. Do you know we are losing about 60 square miles a year?

Ms. HARRIMAN. Yes, I do.

The CHAIRMAN. Now, President Bush has said there is a no net loss of wetlands policy. Do you understand that to apply to Louisiana? [Laughter.]

Senator FORD. Mr. Allday was set up and I believe you are too, honey. [Laughter.]

Wait till you get around to Kentucky. [Laughter.]

Ms. HARRIMAN. Senator Johnston, the question of the applicability of the no-net-loss goal is an issue that will be addressed by the task force that has recently been set up under the auspices of the Domestic Policy Council.

The CHAIRMAN. Interior is on that task force.

Ms. HARRIMAN. Yes, it is.

The CHAIRMAN. Would you be the person to be on that, or is somebody else from Interior on that? Do you know who will be the person from Interior on that task force?

Ms. HARRIMAN. No, I do not.

The CHAIRMAN. Well, it is a gigantic problem, and there is a lot of confusion in the administration about what to do about it. I had the Assistant Secretary of the Army with jurisdiction over the Corps of Engineers up, and I said does it include Louisiana. Well, I don't know. How do you define wetlands? Well, I don't know. Nobody knows that. There is a lot of confusion and no one has really thought through this issue.

It is an issue, wetlands in Louisiana, that goes well beyond our parochial concern in Louisiana, and we have a lot of parochial concern. Don't ever think we don't. Most of the seafood in the Gulf of Mexico is born in our estuaries there, and at the rate of 60 square miles a year, there are not going to be those estuaries. There is over $1 billion a year of commercial seafood out there caught off Louisiana. The Florida shrimp, for example. Most of them come initially from Louisiana and swim over there. Really, they do.

So, we have to do something about it. I have some legislation that puts the Secretary of the Interior in charge of it, and you will be hearing from it and will probably will be asked to testify. I want you to be aware of it. We put a tax, under my legislation, of 2 cents an mcf on offshore gas to restore wetlands in the Gulf. And that is serious money and it is a serious problem. And I hope you will look at it.

Ms. HARRIMAN. I certainly will.

The CHAIRMAN. Thank you.

Senator McClure.

Senator MCCLURE. Mr. Chairman, I have had the opportunity to visit with each of these nominees in my office as I think most members of the committee have. And I have had the opportunity to ask them questions about their attitudes in general and about specific issues. I have no questions at this time. Thank you very much.

The CHAIRMAN. Senator Bumpers.

Senator BUMPERS. Senator Ford was here before me. I will let him go first.

The CHAIRMAN. Senator Ford.

Senator FORD. I don't know what Senator Bumpers wants, but I will accept the yielding. [Laughter.]

I found on this committee and serving in Congress, if you lose your good humor, you might as well go home. So, I try to keep mine as best I can.

So, Mr. Chairman, I have no problem with the four nominees, and I am ready to support their confirmation.

I was impressed with Mr. Allday's record of service, particularly the years 1951, I believe, through 1963 as a Jaycee in Midland. Since I was national president, I remember that very well. Isn't Midland the home of Rocky Ford?

Mr. ALLDAY. Yes, sir.

Senator FORD. He is about the best one-legged dancer I ever saw.

Mr. ALLDAY. Yes, sir. He was in the infantry also and lost a leg. I don't know if you knew that.

Senator FORD. Yes.

So, I want you to know that, if nothing else, that helps you with me. [Laughter.]

Mr. ALLDAY. Thank you, sir.

Senator FORD. Take it any way you can get it. [Laughter.]

Mr. Chairman, I yield.

The CHAIRMAN. Senator Domenici?

Senator DOMENICI. Thank you, Mr. Chairman.

I, too, have had the opportunity to visit with the nominees at length.

But I am struck with one thing that I would like to bring to your attention, Mr. Allday. It has been said by one of the nominees that the President has urged innovation. While the Justice Department ends up with the litigation involving water rights and our Indian people, clearly they start in terms of solution or non-solution within your Department. And frankly, if there is any area that cries out for some innovation, it is that.

I don't believe you have ever seen lawsuits of the type that will be put on your desk when they show some of the status reports on water rights claims in states like New Mexico. We have one that is now in its 23rd year called the Aamodt case. That means that hundreds and hundreds of people have been in court for all that time, some represented institutionally, some on their own, and Indian claimants represented by their own lawyers and the Department of Justice and sometimes the Bureau of Indian Affairs and the Department.

I am not laying that framework before you to speak of solutions other than the ultimate adjudication. But clearly if someone of your quality could find some better way to do this—and that's a tall order. It may never come, but I certainly urge that since one of your reasons for coming here was to do the very best job you can and kind of start anew, that is an area that cries out for something. It is just not the right way to get things done. It causes tremendous confrontation among people and waste of resource, and it is just too long to expect people to attach credibility to the problem, to the problem solving of the courts. And the Indian people get in the middle and get a very black eye from non-Indians because on the one hand they have resources and perhaps the others don't.

But we ought to find some way to do that that is better than the way we have been doing it. And I urge that you spend some small portion of your time thinking about that with the better minds around to see if we can come up with something better. I think we have discussed that before with you.

Mr. ALLDAY. Yes, sir.

Senator DOMENICI. I had one other question that I would like to direct to Secretary Gallegos. I think there is a rather intractable problem out there of Indian education. While you are not within the department totally in charge of Indian education—it is split among various departments—I certainly expect you to be committed within that Department to trying to coordinate the activities of the Federal Government. And again, if it requires some new approaches—if we are worried about American education, Indian education as part of the American system is beyond being worried about. It is absolutely abysmal with few exceptions. And for the

most part, we are somewhat in charge of that, and I think you know that.

I wonder if you have just an observation with reference to it.

Mr. GALLEGOS. Senator Domenici, as of today, we are involved in comprehensive discussions with the Office of Management and Budget. We intend to make Indian education perhaps a foremost priority of the Lujan administration and the Department of the Interior.

Senator DOMENICI. Thank you very much. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Garn.

Senator BUMPERS. I didn't intend to yield forever, Mr. Chairman.

The CHAIRMAN. Senator Bumpers is trying to reclaim his time. It takes him a while to wake up in the morning. [Laughter.]

Senator Bumpers.

Senator BUMPERS. Ms. Harriman, would you describe for me just as briefly as you can your understanding of what the no net loss policy is and how it might work?

Ms. HARRIMAN. Senator Bumpers, the no net loss phrase was something that President Bush enunciated during the campaign, and it is one of several issues that I am told the recently formed Wetlands Task Force will be dealing with. There is a question of what it means. There are also questions as to what areas and to which wetlands it applies.

I believe everyone feels it is important that the Federal Government approach this problem in a concerted, uniform way. The establishment of a Wetlands Task Force is an attempt to do just that.

Senator BUMPERS. Let me just say that just from a layman's viewpoint, I am very pleased the Chairman raised this question. Of course, it is extremely important to him coming from Louisiana. But I don't know how you can have a no net loss policy unless you assume that when you take wetlands, you know, you've got to create new wetlands. And if you are destroying wetlands that have long been in existence and are filled with marine life and so on, and you are offering, we'll say, to offset that with a couple hundred acres of wetlands that you are going to create, that is not always necessarily a fair trade. At least from a fisherman's standpoint, it isn't.

So, I thought maybe you knew something I didn't about this.

Ms. HARRIMAN. Well, you raise a very difficult question, Senator. It is something that I obviously am going to have to deal with, and I look forward to working on it. I consider the wetlands issue to be one of the foremost issues facing this country.

Senator BUMPERS. Ms. Harriman, I can tell you that both the Chairman and I are vitally concerned with this issue and you will be back before this committee on a number of occasions. And we will want at the earliest possible time some definitive explanation of how this is going to work. Campaign promises are wonderful. Sometimes they are not so easily kept.

I am by wetlands like I am the Constitution. I belong to the Wait Just a Minute Club because before you destroy wetlands, there needs to be some kind of an overwhelming national policy, a reason for it. And I just don't know how we are going to have this. I am really curious about this no net loss thing.

Mr. Gallegos, as you know, every member of this committee I assume has gotten a lot of mail and a lot of contacts regarding Bruce Blanchard who was removed from the office which he had held for 15 years, the Office of Environmental Project Review. Now, we consider that a very important position. It deals with all the environmental impact statements made by the Department, reviews by other agencies of their environmental impact statements, oil spills, emergency responses and so on.

Can you just tell us why he was removed from that position after 15 years? He is the only person that had ever held it since Rogers Morton set it up.

Mr. GALLEGOS. Senator Bumpers, I had one early conversation with Mr. Blanchard when I arrived in Washington back in January. At that time the previous management of the Department of the Interior had made that decision.

Mr. Blanchard is a member of the Senior Executive Service, and mobility amongst a variety of important and diverse assignments is part of the concept of the service. The explanation that I received from management at that time was that this consideration was part of the basis for the reassignment.

Senator BUMPERS. Do you know the gentleman that replaced him?

Mr. GALLEGOS. Senator Bumpers, I understand that in the last week or so a Mr. Deason was selected competitively for the position of the Director of the Office of Environmental Project Review.

Senator BUMPERS. Well, didn't Mr. Blanchard apply for his job back?

Mr. GALLEGOS. Yes, he did.

Senator BUMPERS. Why was he not interviewed if it was done competitively?

Mr. GALLEGOS. Senator Bumpers, I was not a member of that review panel. Mr. Blanchard or the individual in that position would not report directly to the Assistant Secretary for Policy, Budget and Administration, but to a different level. There was a panel that reviewed the qualifications of 23 different candidates for that position, including Mr. Blanchard. They made the recommendation——

Senator BUMPERS. What was the name of the gentleman that was selected?

Mr. GALLEGOS. Mr. John Deason.

Senator BUMPERS. Tell us what his qualifications are.

Mr. GALLEGOS. Mr. John Deason is a career employee in the U.S. Geological Survey and has had a number of posts within that particular agency. As I say, I was not involved directly in that selection process. Other senior managers within the Office of Policy, Budget and Administration were.

Senator BUMPERS. Is this gentleman under you? Is he under your supervision?

Mr. GALLEGOS. Senator Bumpers, the Office of Environmental Project Review is a particular division of Policy and Analysis within the larger assistant secretariat.

Senator BUMPERS. Well, just let me ask you this very simple question. Do you consider somebody that has had a career with USGS as well qualified as somebody who has been apparently serv-

ing well and faithfully for 15 years in the very job that he has been replaced?

Mr. GALLEGOS. Senator Bumpers, I would not in any way diminish the qualifications of a member of the Senior Executive Service to serve in meaningful assignments within the Department of the Interior, particularly in effectuating the intent of the Civil Service Reform law and the Senior Executive Service.

Senator BUMPERS. Well, Mr. Gallegos, I am not here to push anyone. I don't even know Bruce Blanchard. But I am concerned about the qualifications of the people who hold very important offices. That's the reason the four of you sit here this morning. This committee sits in judgment on your qualifications to hold the jobs for which the President has nominated you. And yet, it is often the civil servants just under you who are around after you are gone and who have to maintain the continuity and efficiency of the office.

And so, when I hear about people like Mr. Blanchard who apparently has widespread support and who apparently was removed by Under Secretary Gjelde, who was an assistant to Don Hodel and whose reasons for removing Blanchard are certainly not clear to me, I am concerned. I am not promoting Blanchard, but I can tell you that the person in charge of doing the environmental impact statements for Interior, as well as reviewing the environmental impact statements for all the other agencies who engage in major Federal actions, that is a very important position to the members of this committee. And to see somebody who has held a job and held it apparently satisfactorily for 15 years replaced by somebody who has absolutely no experience with NEPA is of serious concern to us.

Now, that is a done deal, and I am not suggesting that it has to be undone. But I can tell you that is the sort of thing that causes considerable pain around here and it causes a lot of the environmental and conservation groups to have serious concern about just how well those statements are being prepared and how well they are being reviewed.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Bumpers.

Senator Garn.

Senator GARN. Thank you, Mr. Chairman.

I didn't intend to talk about wetlands, but it seems to be a popular subject this morning. And I am not going to question you about no net loss because no one knows the answer to that question yet, what that means.

But I think there is a more fundamental issue of how wetlands are being defined, and this is before we ever heard campaign promises. And I will give you a couple of specific examples that I do not understand of this type of interpretation.

Now, my idea of wetlands was something that had fish and wildlife and values that people wanted to preserve. We have had two instances in my state lately, one where in the middle of an area that is relatively developed with houses and businesses and so on, a particular resort wanted to build a golf course. And they ran into a good deal of difficulty because of wetlands. The wetlands occurred because of a pioneer irrigation ditch which leaked. Now, the irriga-

tion ditch had not been properly maintained; and so it would flood in the spring because they didn't plug the leaks. And so, it was an artificially, accidentally created wetlands, and yet it cost them over $60,000 to move a particular hole.

That is the thing that bothers me. Are we going to interpret wetlands as something—a little, tiny piece of property?

We have another instance going on right now where a little community has gone ahead with their bonds. It happens to be a golf course in southern Utah, and exactly the same thing happened. An irrigation ditch, manmade irrigation ditch, brought from a stream to irrigate farmlands and it leaks. So, there is a few cattails that grew along the side of it, and it is marshy and a little bit of oil comes up through it. I do not know where that is coming from. That is defined as wetlands.

Now, I would hope whoever reviews this has some common sense. Forgetting the definition of no net loss of wetlands, what we interpret as wetlands are things that truly are have some value and are not caused by leaking water. The next thing we will hear will probably be of a leak in a pipe in somebody's back yard that they didn't fix and so it got kind of marshy and that is going to be wetlands and they can't put a swing set for their kids out there. There simply has got to be some common sense in wetlands.

I do not even expect you to reply. I just want to get that message across. It is very much like I look at the Endangered Species Act. If you go back and look at the history of that, I think it is very clear that Congress 'intent was they didn't want grizzly bears and major species, bald eagles—and I'm in favor of protecting bald eagles and all of that. But I don't think Congress ever envisioned Forby's louseworts and snail darters and obscure species that nobody ever even knew until environmentalists went out and found one of whatever it was to stop. And that is the same thing we are starting to do with wetlands. Somebody spit by the side of the road and didn't wipe it up, and that turned out to be a wetland. [Laughter.]

And so, I would hope that in your review of whatever this panel is there is some common sense in this approach.

The other comment I would like to make—and I don't begrudge Yellowstone Park anything they can get, but I have had a struggle over Glen Canyon National Recreation Area. And it might be interesting to you to note that in 1988 there were 3.8 million visitors at Glen Canyon and the budget was $5.5 million to run that whole operation. Yellowstone had 2.8 million visitors before the fire, and their budget is $16 million. I don't begrudge Yellowstone the $16 million. But if you have a million more visitors and one-third less money, it seems to me that we are not adequately funding an area that has 3.8 million visitors per year.

Mr. Chairman, I thank you.

The CHAIRMAN. Thank you very much, Senator Garn.

How do you all feel about space? [Laughter.]

Senator GARN. There are no wetlands out there. [Laughter.]

The CHAIRMAN. I think Senator Wirth came first and then left. Anyway, he has passed me a note and said he wants to go next, Senator Bradley. So, Senator Wirth?

Senator WIRTH. Thank you very much, Mr. Chairman.

I appreciate Senator Garn's comments about wetlands. If that is the way it is going to be interpreted, I am going to go out and do a lot of spitting. I think that sounds great. [Laughter.]

Let me ask you, first of all, about a subject a number of us had written to the Secretary about. The Senators from Wyoming, Utah and Colorado wrote to you all about the endangered species program and the administration's really dramatic cuts on the Fish and Wildlife's share of the program of the Upper Colorado River Basin Endangered Fish Cooperative Recovery Program which is very important to all our states. The letter urged you to please fund that program. You haven't done so. You cut it very dramatically. And I would like you to go back and look at that if you might, and get back to us. Could you do that?

Ms. HARRIMAN. Are you talking to me, Senator?

Senator WIRTH. It falls into your bailiwick I think, Ms. Harriman.

Ms. HARRIMAN. Yes, I will be happy to do that.

Senator WIRTH. Great. We will look forward to hearing from you.

Second, during the presidential campaign, then Vice President Bush endorsed the concepts set out in President Reagan's Commission on America Outdoors for setting up a trust fund which would ensure investments in national parks, recreation facilities and so on. How are you all proceeding on meeting that commitment that was made by then Vice President Bush during the campaign? Are you familiar with that commitment?

Ms. HARRIMAN. I am familiar with the issue, Senator.

Senator WIRTH. Are you familiar with the commitment that Mr. Bush made?

Ms. HARRIMAN. I am aware that the President made reference to a national endowment for the environment during the campaign. Is that what you are referring to?

Senator WIRTH. He committed himself to setting up a trust fund——

Ms. HARRIMAN. The concept of the dedicated fund——

Senator WIRTH [continuing.] To ensure investments in public lands and so on.

Ms. HARRIMAN. Yes.

Senator WIRTH. Where are you all now in the process of developing that and submitting that to the Congress?

Ms. HARRIMAN. I do not know.

Senator WIRTH. Do any of you know where the administration is in that commitment?

Mr. ALLDAY. No, sir.

Senator WIRTH. Was that just a campaign commitment or do we think that is real?

Mr. GALLEGOS. Senator Wirth, if I may. Secretary Lujan personally has undertaken to provide some recommendations to the President along that line. Those recommendations at this point in time are not complete, but the Secretary personally is working on that aspect of it.

Senator WIRTH. And where is that in the process? Have those been submitted to the White House? This commitment was made nine months ago, and it is something that was clearly outlined in the report of the President's Commission on America Outdoors.

I just wanted to make sure that you all were aware of the commitment that had been made. A lot of us here would like to support that commitment, and we want to make sure that—aybe you could get back to us on that as well. Could you, Ms. Harriman?

Ms. HARRIMAN. Yes, I will be happy to.

[The information follows:]

I have been informed that the Secretary has been personally examining a variety of options that are consistent with the President's statement with respect to an endowment for the environment.

Senator WIRTH. Let me ask you a third question and this, you will be happy to know, will be it. Last year we passed legislation that enabled the national parks to keep 50 percent of the fees that they collected from visitors. The purpose of that was to provide additional funds, and to make sure that people were getting what they pair for. Then we found out that the fees were not going to those parks, so we again passed legislation that said 50 percent of the fees that are collected at Glen Canyon or collected in Yellowstone or Rocky Mountain National Park could be kept by those parks.

The response of the administration was to cut the general fund budget by the amount that was going to those parks, which is scarcely the intent of the visitor fee. I mean, what effectively this is is a fraud. You know, everybody drives into the park. They pay a $5 fee for a day or a $10 fee to be there for a week or whatever, and are told when they go in that this money is there for the purposes of repairing trails, building park facilities, managing wildlife in the park, and so on, but in fact it is just going right back into the general fund.

Now, what are you proposing to make sure that that does not happen? I don't think that that was the intent of Mr. Bush during the campaign when he was talking about maintaining our facilities.

Ms. HARRIMAN. Senator Wirth, I am very much aware of this issue, and it is something that I intend to give detailed review if I am confirmed.

Senator WIRTH. Could you get back to us and tell us what you plan to do on that?

This committee passed out that legislation. I believe, Mr. Chairman, it passed out unanimously, and I believe everybody on the committee, from all, across the political spectrum, and from all parts of the country thought that it made sense for people to pay fees and for those fees to go back to the park. But we certainly didn't intend for those fees to, in effect, build MX missiles or whatever it maybe. And that is what is happening. So, if we could hear back from you, Ms. Harriman, we would appreciate that.

Ms. HARRIMAN. Fine.

[The information follows:]

Under the provisions of Public Law 100-203, all National Park Service fees must be deposited into a special fee account rather than in the General Treasury Fund. The amount deposited is available to the Park Service in the next year, subject to appropriation by Congress. I will continue to support the procedures contained in this legislation. The legislation went into effect beginning with the Fiscal Year 1989 appropriation and Congress appropriated $52.2 million to the Park Service in 1989 from the special fee account. The Fiscal Year 1990 National Park Service budget, current under consideration by Congress, continues this approach. The Park Service

is requesting that $55.5 million be appropriated from the special fee account. This amount represents the estimated revenue that will be collected from park fees in 1989.

Senator WIRTH. Mr. Chairman, thank you very much.

The CHAIRMAN. Thank you, Senator Wirth.

Senator Bradley.

Senator BRADLEY. Thank you very much, Mr. Chairman.

I would like to welcome all of you to the committee, and I would like to ask Ms. Harriman just a couple of questions. I know we are going to have a chance to visit later today, so I will save many of my most important questions for that meeting.

But in the way of introduction, the Subcommittee on Water and Power, which has jurisdiction over the Bureau of Reclamation, has an interesting potential, if not legal, relationship with issues that affect fish and wildlife. As I understand it, you were involved in the final regulations for the Reclamation Act. Is that correct?

Ms. HARRIMAN. Senator, I think it depends on how you define preparation. I can tell you specifically what I did.

Senator BRADLEY. Well, just so you have some familiarity. I don't want to ask you some questions that you don't have a familiarity with basically.

Ms. HARRIMAN. Yes. It was two years ago.

Senator BRADLEY. Right.

You are familiar also with the reclamation program at least in your home State of California? Is that not correct?

Ms. HARRIMAN. Yes.

Senator BRADLEY. What I wondered is if you had any thoughts or could you describe what you understand to be the reclamation program's impact on fish and wildlife in, say, the Central Valley.

Ms. HARRIMAN. This is a very complicated question, and something that I am not really current on. However, I will look into it, if I am confirmed.

Senator BRADLEY. I would appreciate it if you would. But you will be taking a close look at this?

Ms. HARRIMAN. Yes, I will.

Senator BRADLEY. What about water conservation? Did you consider water conservation in the preparing of the Reclamation Reform Act regulations in 1986?

Ms. HARRIMAN. I'm sorry. I didn't hear the last part of your question.

Senator BRADLEY. In preparing the regulations for the Reclamation Reform Act in 1986, how did you think about water conservation? You did consider water conservation?

Ms. HARRIMAN. Well, I don't have any present recollection of having done that. I would have to go back, Senator, and look at documents to be able to accurately answer your question. But I would be happy to do that.

[The information follows:]

I believe the regulations reflect that section 210 of the Reclamation Reform Act has been fully implemented.

Senator BRADLEY. OK.

Without getting into a lot of specifics, do you think that an aggressive agricultural water conservation plan in the Central Valley

would be helpful in meeting the needs of the region's fish and wildlife?

Ms. HARRIMAN. I would have to look at a specific proposal before committing myself at this point, but I certainly think that water conservation is very important.

Senator BRADLEY. Water conservation would also mean more water available for fish and wildlife. Would you not say that is fairly clear?

Ms. HARRIMAN. Yes. That sounds like a good thing.

Senator BRADLEY. Well, I wonder if you would be willing to share with the committee not immediately but, in perhaps sometime in the next nine months, your recommendations about how your reclamation program should be changed to better meet the Department's responsibilities in a whole number of existing laws?

So, let me repeat. What I would like you to do—and we can talk about this later today—is to provide for the committee a set of recommendations about how the reclamation program should be changed to better meet the Department's responsibilities under some of the following acts: the National Wildlife Refuge System Administration Act, the Migratory Bird Treaty, the Pacific Salmon Treaty, the Wild and Scenic Rivers Act, the Endangered Species Act, the Clean Water Act, and the Clean Air Act. And we can provide you a few more so that you might channel your thoughts.

So, could we have your recommendations, because of your past experience with the Reclamation Act and because of your present responsibilities as Assistant Secretary for Fish and Wildlife, about how Federal reclamation law could be changed to meet these responsibilities under the acts that I mentioned?

Ms. HARRIMAN. Senator, I will do everything that I can to see that that is done.

Senator BRADLEY. So, maybe we could look for that around the first of the year, perhaps February.

Ms. HARRIMAN. I'll do my best.

Senator BRADLEY. OK. Thank you very much, and I look forward to seeing you this afternoon.

The Chairman. Thank you, Senator Bradley.

Senator Burns.

Senator BURNS. Thank you, Mr. Chairman. I have a couple of questions and a couple of comments.

Since Senator Bradley has laid out Ms. Harriman enough work there for you for the next 10 years——[Laughter.]

I will have to apologize to Ms.Harriman, though, because when she came into my office, we were kind of on the go and had some other conflicts.

First of all, congratulations on all of you for these appointments.

Most of my questions will be directed to Ms. Harriman because I have some concerns regarding my State of Montana. I have asked you about wolf reintroduction in the Yellowstone Park. It is of concern to the livestock interests and the sportsman interest in Montana. Do you support the reintroduction of wolves back into that Yellowstone ecosystem.

Ms. HARRIMAN. Senator, I do recall discussing this with you in my courtesy call.

This is a very difficult issue. As you probably know, the Fish and Wildlife Service and the National Park Service are presently engaged in a study that is due in October. I would want to review that study very carefully before taking a position for or against reintroduction. I also intend to work very closely with Congress on this issue.

Senator BURNS. I might add that while it is a difficult issue, it is not too difficult for a livestock producer. And I would want that to be taken into account.

Say that there has been some positions formed as far as reintroduction of the wolf back into that area. Would you favor delisting the wolf from the Endangered Species Act if reintroduction is made?

Ms. HARRIMAN. Senator, before taking a position on delisting the wolf I would want to have the benefit of additional information, which will be provided in the study being conducted by the two bureaus.

Senator BURNS. OK, then we have a couple of other concerns. These are things that I need some sort of report on; I will give you some time to look at it.

We have a Charles M. Russell Game Refuge which is along the Missouri River in north central Montana. It is jointly managed by our State Wildlife and Park Service, and also the BLM has an interest there as well as the National Wildlife people. There has always been in that area a little competition between the three bureaucracies as to how those lands should be managed. With the BLM, we think that there should be some grazing up there, and now we are finding some locked gates and this type of thing.

I would hope that you would take a look at those circumstances and try to work with those people. See if we can't come to some sort of a resolution.

Also, I think you have a big problem with the handling of the buffalo in Yellowstone Park. It always seems to me that whenever the protective people of wildlife and this type of thing—and nobody enjoys them more than I do. It seems like every time one of them grizzles comes after you up there in the park, you go from environmentalist or protectionist to a survivalist pretty rapidly. And we are getting a lot of those grizzles up there.

Also, we have absolutely too much wildlife in Yellowstone Park. That country will not carry that many buffalo, and they have to come out to eat.

So, I would hope that we could get some sort of a report, take a look at those situations and to come up with some sort of resolution before too long because it is becoming a problem.

Those are the only concerns I would have, Mr. Chairman.

There is some legislation by the way, that is being proposed called the National Heritage Trust Act. I would suggest that you look at that proposed legislation and quite closely, by the way, before you start down a road from which there may be no return. I would suggest that.

Thank you, Mr. Chairman. I appreciate that very much.

The CHAIRMAN. Thank you, Senator Burns.

I will state that the questions for the record should be in by 6:00 p.m. today. There may be written questions.

Senator McCLURE. Mr. Chairman, I would ask unanimous consent that a statement by Senator Wallop be inserted in the record at the appropriate place and that questions submitted by him be submitted to the nominees.

The CHAIRMAN. Without objection.

Anything further?

[No response.]

The CHAIRMAN. Thank you very much, ladies and gentlemen.

[Whereupon, at 10:54 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Informational Statements of the Nominees

UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: ALLDAY (LAST) MARTIN (FIRST) LEWIS (OTHER)

Position to which nominated: Solicitor, Department of the Interior Date of nomination:

Date of birth: 30 (DAY) 05 (MONTH) 26 (YEAR) Place of birth: El Dorado, Arkansas

Marital status: Married Full name of spouse: Patricia Pryor Allday

Name and ages of children

Katherine Anne Timberlake	33
Elizabeth Graham Dashiell	31
Martin Lewis Allday III	28

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Schreiner Institute-Kerrville, TX	1943-44	-	-
University of Texas-Austin	Summer 1944		
University of Texas-Austin	1946-48		
*University of Texas-Austin	1948-51	JD/LLB	1951

*Entered Law School under Veteran's Program which did not require an undergraduate degree

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

Legal Examiner-Texas Railroad Commission, Austin, Texas
Conducted Oil & Gas Hearings - 1951-1953

Attorney-The Superior Oil Company, Midland, Texas
Legal Department - General Legal Practice - 1953-1959
Title Examination, preparation of varied documents

Attorney-Lynch, Chappell, Allday & Alsup, Midland, Texas
(Branch Offices in Austin & Dallas, Texas) - 1959 to present.
Partner, Managing Partner for 15 years; all facets of the oil and gas business, zoning, banking, management of the firm.

Employment record—Continued

Military service: Describe any military service not listed above, including dates, rank, and type of discharge.

Infantry, 382nd, 96th Division 1944-1946, Pfc.

Asiatic Theater (Okinawa), Phillipines - Honorable Discharge

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Fellow, Texas Bar Foundation; American College of Probate Counsel;

President, Midland County Bar Association; Chairman, Oil, Gas &

Mineral Law of the State Bar of Texas; Purple Heart & Good Conduct

Medals, Combat Infantryman's Badge

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Dates	Office held (if any)
Lynch, Chappell, Allday & Alsup	02/53 to present	Partner
American Bar Association	02/53 to present	
Texas Bar Association	11/51 to present	
Texas Bar Foundation	07/70 to present	
American College of Probate Counsel	03/73 to present	
Midland County Bar Association	05/81 to present	Past President

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.

October 1961, Texas Bar Journal,. Page 945

"Our Bar in Midland"

This article described program and make-up of the local County Bar Association.

Future employment relationships:

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Yes

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

No

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

Future employment relationships—Continued

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

No

Financial statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

Attached

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

IRA - Equitable Life Assurance Society $15-50,000

Spouse's IRA - Equitable Life Assurance Society $ 1001-5,000

American Bar Association Members Master Keough Profit Sharing Plan over $250,000

3. Are you currently a party to any legal action? If so, describe its nature and status.

No

4. Have you ever declared bankruptcy? If so, describe the circumstances.

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No

Potential conflicts of interest:

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

State of Louisiana General Obligation Bond; Advisory Director-1st City Texas (Midland) Bank; Director of North American Royalties, Inc.; Director and Treasurer of National Parks Foundation; Law Firm - Lynch, Chappell, Allday & Alsup; Midland Memorial Foundation (Hospital); Permian Basin Petroleum Museum; High Sky Children's Ranch; 33 Trusts listed on the Schedule (attached hereto)

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

a) Co-authored and lobbied for legislation involving leasing of State of Texas minerals

b) Co-authored and lobbied for amendment to Texas Uniform Commercial Code - Security Interest (lien)

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

Yes

21-587 0 - 89 - 3

Potential conflicts of interest—Continued

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to this form and the attachments thereto. Attach a statement of the appropriate agency ethics official explaining the applicable laws or regulations, any potential conflicts, and the action required to resolve such conflicts.

I will remove the conflict, or any perception thereof, by following the direction and advice given by the appropriate Agency Ethics

6. Explain how you will resolve any potential conflicts of interest that may arise in the future if you are confirmed for the position for which you have been nominated.

I would remove the conflict after receiving advice from the appropriate government officials or recuse myself from any involvement in the matter.

Public disclosure: Do you have any objections to this form and the attachments thereto being made public?

No

AFFIDAVIT

District of Columbia

I, Martin L. Allday, being duly sworn, hereby state that I have read the foregoing Statement for Completion by Presidential Nominees, including all attachments thereto, and that the information provided therein is, to the best of my knowledge and belief, current, accurate, and complete.

Martin L. Allday
(Signature of Nominee)

Subscribed and sworn to before me this 22 day of June, 1989

Elizabeth J. Sherwood
Notary Public

My Commission Expires March 31, 1992

Form approved by the Committee February 5, 1985.

U.S. GOVERNMENT PRINTING OFFICE: 1987—67-074

Continuation of list of all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organzations.

Midland Memorial Foundation	05/81 to present	Governor
Permian Basin Petroleum Museum	01/74 to present	Trustee
Ducks Unlimited	01/83 to present	
Sportsmen's Club of Texas	01/80 to present	
National Rifle Association	appx. 1980 to present	
United States Golf Association	01/80 to present	
Midland Country Club	01/63 to present	Past President
Midland Petroleum Club	01/71 - RESIGNED	Past Director
Plaza Club	01/81 to present	
Exchange Club of Midland	appx. 1975 to present	
High Sky Children's Ranch	01/89 to present	Governor
Permian Basin Area Foundation	02/89 - RESIGNED	
Midland Jay Cees	1953 - 1961	Past President
Midland Chamber of Commerce	1959 to present	Past President
Industrial Foundation of Midland	1965 - 1970	Past President
United Way of Midland	1959 - present	Past Vice Pres.
Oil, Gas & Mineral Section, State Bar of Texas	Late 1970's	Chairman
North American Royalties, Inc.	1979 - present	Director
First City National Bank	1988 - present	Advisory Director
National Park Foundation	1985 - present	Director and Treasurer

Trustee for the following named Trusts and Individuals:

Powhatan E. K. French 1976 Trust
Powhatan E. K. French 1983 Trust
R. W. French 1976 Trust
Richard W. B. French 1983 Trust
W. F. K. French 1976 Trust
W. F. K. French 1983 Trust
Morgan A. Kennedy Management Trust
William Duncan Kennedy, Jr. Management Trust
Patrick B. Kennedy Management Trust
Thomas F. C. Kennedy Management Trust
Kennedy Children's Large Trust
Manning M. Stinson 1978 Trust
John R. Stinson 1978 Trust
Jastrow Children's Trust
Catherine G. Holloway 1979 Trust
Catherine G. Holloway-1980 Trust
Marcia Holloway 1980 Trust
Patrick Holloway 1979 Trust
Storm Holloway 1981 Trust
Kelly Vineyard 1975 Trust
John Richard Warren 1975 Trust
Mary Patricia Warren 1975 Trust
Irrevocable Life Insurance Trust for Wauleah Y. Fullinwider
Irrevocable Life Insurance Trust for Jerome M. Fullinwider
Rebel E. Blackwell, Jr. Separate Property Allocation Trust
Phyllis P. Blackwell Separate Property Allocation Trust
Community Property Allocation Trust (Blackwell)
W. D. Kennedy Management Trust
C. Fred Chambers Management Trust
Ludeman Management Trust
Lyda T. Ludeman 1983 Management Trust
Linda Allison 1982 Management Trust
Marital Deduction Trust U/W of James N. Allison, Jr., dec'd

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 22 1989

Honorable Frank Q. Nebeker
Director, Office of Government Ethics
Office of Personnel Management
P.O. Box 14108
Washington D.C. 20044

Dear Judge Nebeker:

The enclosed financial disclosure report filed by Martin L. Allday for the position of Solicitor for the Department of the Interior has been reviewed in compliance with 5 CFR 734.604(a). In addition to the standard conflict of interest prohibitions contained in 18 U.S.C. 201 - 209 and Executive Order 12674, the Solicitor for the Department of the Interior is also subject to five statutory prohibitions that apply to employees in our Department. These statutory prohibitions are: 18 U.S.C. 437; 30 U.S.C. 6; 30 U.S.C. 1211(f); 43 U.S.C. 11 and 43 U.S.C. 31(a). Except for 30 U.S.C. 1211(f), the provisions of each of these statutes are extended to the Solicitor by Department of the Interior regulations in 43 CFR Part 20.735.

Upon confirmation as Solicitor, Mr. Allday will leave his law firm. To prevent any potential appearance of impropriety, Mr. Allday will voluntarily recuse himself from becoming involved in particular matters that involve his law firm or the firm's clients as reported in Part II, Schedule D of his enclosed financial disclosure report. Mr. Allday's recusal will not extend to rulemaking, legislation or the formulation of general policy matters. Mr. Allday is not enrolled in any pension plan and he does not expect to receive any severance pay from the law firm.

Upon separation from his law firm, Mr. Allday will be entitled under his partnership agreement to receive a percentage of the cash on hand in the law firm. The exact amount of cash is unknown at this time, but Mr. Allday expects to receive 6% of the cash on hand in the law firm at that time.

Mr. Allday's reported oil, gas and royalty interests deal with operations on private lands. Since these lands are privately owned and not administered by the Department of the Interior, retention of the reported oil, gas and royalty interests is not prohibited.

Mr. Allday holds two promissory notes; one from Mr. W. B. Steen and another from Mr. D. Dashiell. These notes were the result of personal loans made by the Allday family. Messrs. Steen and Dashiell do not have any business dealings with the Department of the Interior.

Mr. Allday's interest in municipal bonds for the Lower Colorado River Authority is not prohibited to him as Solicitor. The Lower Colorado River Authority is a state sponsored project with no affiliation to the Federal water projects under the Bureau of Reclamation.

Mr. Allday's interest in the Harris County Flood Control municipal bonds creates no problem as this Texas County's flood control project is not related to any Department programs.

The Department of the Interior is involved in a number of legal matters involving the State of Louisiana. We have advised Mr. Allday of this and he has volunteered to dispose of his municipal bond interest in the State of Louisiana upon confirmation as Solicitor.

Upon confirmation as Solicitor, Mr. Allday has also agreed to resign his positions with all the outside organizations listed in Part I, Schedule D of his enclosed financial disclosure report. In addition, Mr. Allday will resign as trustee for the 33 trusts identified in his enclosed financial disclosure report.

Fees received for Mr. Allday's services to the organizations listed in Part I of Schedule D (See Pages 5, 5a and 5b), are considered a payment for legal services and are deposited with Mr. Allday's law firm.

Mr. Allday is a member of the eleven organizations listed on the following page. He did not disclose these organizations on his financial disclosure report because he is not an officer, director, trustee, general partner, proprietor, representative, employee or consultant of these organizations. Mr. Allday's continued interest in these organizations creates no problem under the statutes and regulations that apply to the position of Solicitor.

Name of Organization	Period of Membership
American Bar Association	02/53 to Present
Texas Bar Association	11/51 to Present
Texas Bar Foundation	07/70 to Present
Amer. Coll. of Probate Counsel	03/73 to Present
Midland County Bar Assoc.	02/53 to Present
Ducks Unlimited	01/83 to Present
Sportsmen's Club of Texas	01/80 to Present
National Rifle Association	1980 to Present
U.S. Golf Association	01/80 to Present
Midland Country Club	01/63 to Present
Plaza Club	01/81 to Present

Mr. Allday receives no income from the American Bar Association Keogh Plan or from the Equitable Life Assurance Society. All income generated by these plans is deferred and reinvested in their respective plans. The American Bar Association Keogh Plan manages investments in high grade commercial and industrial real estate. The assets contained in the Equitable Life Assurance Society Plan are widely-diversified. Both plans are reported to be independently managed.

Based on our review of the information provided, I have determined and certified that Mr. Allday is in compliance with the ethics statutes and regulations which apply to the position of Solicitor for the Department of the Interior. Should you have any questions concerning the report submitted by Mr. Allday, please call Gabriele J. Paone or Mason Tsai on 343-5916.

Thank you.

Sincerely,

Charles E. Kay

Charles E. Kay
Principal Deputy Assistant Secretary -
Policy, Budget & Administration and
Designated Agency Ethics Official

Enclosure

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Honorable Frank Q. Nebeker
Director, Office of Government Ethics
Office of Personnel Management
P.O. Box 14108
Washington D.C. 20044

Dear Judge Nebeker:

This letter will document the actions I intend to take to prevent any actual or apparent conflict of interest under the statutes and regulations that will apply to me as Solicitor for the Department of the Interior.

Upon confirmation as Solicitor, I will leave my law firm and I will recuse myself for one year from becoming involved in particular matters that involve my law firm or the firm's clients as listed in Part II, Schedule D (Pages 5 and 5a) of my financial disclosure report dated April 12, 1989. My recusal will not extend to rulemaking, legislation or the formulation of general policy matters.

Upon confirmation as Solicitor, I will dispose of my municipal bond interest in the State of Louisiana.

Upon confirmation as Solicitor, I will resign my position from all outside organizations listed under Part I, Schedule D (Page 5 and 5a) of my financial disclosure report dated April 12, 1989. I will also resign as trustee for the 33 trusts identified in this financial disclosure report.

I have been advised by the Department of the Interior Deputy Agency Ethics and Audit Coordination Official that all of the other financial interests reported on my Financial Disclosure Report are in full compliance with the statutes and regulations that will be applicable to me as Solicitor.

Thank you,

Sincerely,

Martin L. Allday

Martin L. Allday

OFFICIAL COMMITTEE FILE
PLEASE RETURN

United States
Office of Government Ethics
P.O. Box 14108
Washington, D.C. 20044

June 27, 1989

ENERGY COMMITTEE
RECEIVED
JUN 27 1989

The Honorable J. Bennett Johnston
Chairman
Committee on Energy and Natural
Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Johnston:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Mr. Martin L. Allday, who has been nominated by President Bush to be Solicitor of the Department of the Interior.

We have reviewed the report and have also obtained advice from the Department of the Interior concerning any possible conflict in light of its functions and the nominee's proposed duties. As noted in the enclosed letter to me from Charles E. Kay, Principal Deputy Assistant Secretary -- Policy, Budget and Administration, Department of the Interior, Mr. Allday has agreed to divest of his municipal bond interest in the State of Louisiana, resign from all of the outside positions reported on Schedule D, Part I, and recuse himself from any matters involving his former law firm -- Lynch, Chappell, Allday and Alsup.

Based thereon, we believe that Mr. Allday is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Frank Q. Nebeker

Frank Q. Nebeker
Director

Enclosure

U.S. Office of Personal Management

Financial Disclosure Report

Form Approved OMB No. 3206-0082

Reporting Status (Check Appropriate Box)		Agency Use Only	OGE Use Only	Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)	Termination Date (If Applicable) (Month, Day, Year)
☐ Incumbent	☒ New Entrant, Nominee, or Candidate ☐			03/27/89	

	Last Name	First Name and Middle Initial
Reporting Individual's Name	ALLDAY	MARTIN L.
Position for Which Filing	Title of Position: Solicitor	Department or Agency (If Applicable): Department of Interior
Location of Present Office	Address (Number, Street, City, State and ZIP Code): 300 N. Marienfeld, Suite 700, Midland, Texas 79701	Telephone No. (Include Area Code): (915) 683-3351
Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held: None	

	Name of Congressional Committee Considering Nomination	Do You Intend to Create a Qualified Diversified Trust?
Presidential Nominees Subject to Senate Confirmation	Energy & Natural Resources	☐ Yes ☒ No Unless required.

Certification	Signature of Reporting Individual	Date (Month, Day, Year)
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Martin L. Allday	04/12/89
Other Review (If desired by agency)	Signature of Other Reviewer: Mason Tsai	Date (Month, Day, Year): 6/21/89
Agency Ethics Official's Opinion The information contained in this report discloses no conflict of interest under applicable laws and regulations.	Signature of Designated Agency Ethics Official/Reviewing Official: Charles F. Kay	Date (Month, Day, Year): 6/22/89
Office of Government Ethics Use Only	Signature: Frank Q. Nebeker DPC	Date (Month, Day, Year): 6/27/89

Reporting Periods

Incumbents: Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

Termination Filers: Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

Nominees, New Entrants and Candidates for President and Vice President: Complete Schedules A (except for BLOCK D), C, and D. (Candidates do not file Part II of Schedule D.

- **Schedule A**—The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I (Liabilities)**—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II (Agreements and Arrangements)**—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

Per a discussion w/Ms. Mason Tsai of the Dept of Interior, on 6-26-89, & a 6-22-89 ltr. from Chas. F. Kay the OGE Director, ~~and~~ and the two footnotes at the bottom of Page 2 of Schedule A, for the 6-22-89 ltr., implied on Sched C, Part II that Mr. Allday will receive ~~[redacted]~~ 67% of the cash on hand at the law firm upon seperating from the firm. E.P.

(Check box if comments are continued on the reverse side) ☐

PREVIOUS EDITION USABLE

370-110

NSN 7540-01-070-6444

70

5 CFR Parts 734, 735, 737
FPM Chapter 734
U.S. Office of Personnel Management

Financial Disclosure Report

Form Approved
OMB No. 3206-0082

Reporting Status (Check Appropriate Box)		Agency Use Only	OGE Use Only	Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)	Termination Date (If Applicable) (Month, Day, Year)
☐ Incumbent	☒ New Entrant, Nominee, or Candidate			04/27/89	

Reporting Individual's Name	Last Name: ALLDAY	First Name and Middle Initial: MARTIN L.
Position for Which Filing	Title of Position: Solicitor	Department or Agency (If Applicable): Department of Interior
Location of Present Office	Address (Number, Street, City, State and ZIP Code): 300 N. Marienfeld, Suite 700, Midland, Texas 79701	Telephone No. (Include Area Code): (915) 683-4351
Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held: None	

Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Energy & Natural Resources	Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No Unless required.

Certification I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Signature of Reporting Individual: Martin L. Allday	Date (Month, Day, Year): 04/12/89
Other Review (If desired by agency)	Signature of Other Reviewer: Mason Lai	Date (Month, Day, Year): 6/21/89
Agency Ethics Official's Opinion The information contained in this report discloses no conflict of interest under applicable laws and regulations.	Signature of Designated Agency Ethics Official/Reviewing Official: Charles F. Kay	Date (Month, Day, Year): 6/22/89
Office of Government Ethics Use Only	Signature:	Date (Month, Day, Year):

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

(Check box if comments are continued on the reverse side) ☐

Reporting Periods

Incumbents: Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

Termination Filers: Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

Nominees, New Entrants and Candidates for President and Vice President: Complete Schedules A (except for BLOCK D), C, and D. (Candidates do not file Part II of Schedule D.

- **Schedule A**—The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I** (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II** (Agreements and Arrangements)—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

SF 278 (Rev. 1/87)
FPM Chapter 734
U.S. Office of Personnel Management

Amended page provided 5/11/89

Form Approved
OMB No. 3209-0001

Reporting Individual's Name	Assets and Income	Page Number	2	Schedule A
MARTIN L. ALLDAY				

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

BLOCK A Assets & Income Sources	BLOCK B Valuation of Assets								BLOCK C Income																	BLOCK D Transactions Test
Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐	Category of Value (X)								Type of Income (X)						Other (Specify Type)	Category of Amount of Income (X)									Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	If yes, complete Schd. B Part 1 for those assets including those sold for a loss.	
	None (or less than $1001)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000		Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust		None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000			YES	NO
S or DC Examples: X Y Z Common				X					X									X							—		X	
Examples: Doe Jones & Smith, Hometown, USA			X												ptnrshp income										$50,000			
1 Lynch, Chappell, Allday & Alsup				X											1988 Ptnshp Inc										$ 235,180			
2 Lynch, Chappell, Allday & Alsup															1989 Ptnsap Inc										34,000			
3 BANKS AND SAVINGS ACCOUNTS:																												
4 First City-Texas (Bank) 1988			X								X						X											
1989			X								X						X											
5 NCNB-Texas (Bank 1988		X									X						X											
1989		X									X					X												
6 Olney Savings & Loan 1988			X								X						X											
1989		X									X					X												
7 OIL & GAS INTERESTS:																												
8 WORKING INTERESTS DESCRIBED ON EXHIBIT ONE																												
9 Fisherman No. 1 1988		X									X						X											
1989		X									X						X											
10 Davis Lease (plugged) 1988	X									X						X												
1989	X									X						X												

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SF 278 (Rev. 1/87)
FPM Chapter 735
U.S. Office of Personnel Management

Revised page provided 5/11/89.

Form Approved
OMB No. 3209-0002

Reporting Individual's Name	Assets and Income	Page Number		Schedule
MARTIN L. ALLDAY			2a	A

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

BLOCK A Assets & Income Sources		BLOCK B Valuation of Assets								BLOCK C Income																	BLOCK D Transactions Test	
Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐		Category of Value (X)								Type of Income (X)						Other (Specify Type)	Category of Amount of Income (X)									Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	If yes, complete Schd. B Part I for those assets including those sold for a loss.	
		None (or less than $1001)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust		None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000			YES	NO
S or DC	Examples: XYZ Common / Doe Jones & Smith, Hometown, USA			X	X				X						ptnrshp income			X						— $50,000		X	
1	WORKING INTEREST CONTINUED:																											
2	Glenn Lease 1988	X								X							X											
	1989	X								X							X											
3	1988		X							X								X										
	Moore-Gilmore Lease 1989		X							X								X										
4	1988		X							X								X										
	Eiland 128 Lease 1989		X							X								X										
5	1988		X							X								X										
	Armstrong Lease 1989		X							X								X										
6	1988		X							X									X									
	Strauss Lease 1989		X							X								X										
7	ROYALTY INTERESTS DESCRIBED ON EXHIBIT TWO																											
8	1988		X							X								X										
	Graham Lease 1989		X							X								X										
9	1988		X							X								X										
	Heinen Lease 1989		X							X								X										
10	1988	X								X							X											
	Foster Lease 1989	X								X							X											

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SF 278 (Rev. 1/90)
FPM Chapter 734
U.S. Office of Personnel Management

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OMB No. 3209-0002

Reporting Individual's Name	Assets and Income	Page Number		Schedule
Martin L. Allday			2b	A

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 or more received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

BLOCK A Assets & Income Sources			BLOCK B Valuation of Assets								BLOCK C Income														BLOCK D Transactions Test	
Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐			Category of Value (X)								Type of Income (X)							Category of Amount of Income (X)									If yes, complete Schd. B Part I for those assets including those sold for a loss.	
S or DC			None (or less than $1001)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify Type)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	YES	NO
	Example	X Y Z Common				X				X									X								X	
		Doe Jones & Smith, Hometown, USA			X											ptnrshp income									$50,000			
1	Royalty Interest Continued																											
2	Harris Lease 1988 1989										X X						X X											
3	224 shares of Great Northern Nekoosa Corp.				X					X							X	X										
4	200 shares of First City-Texas (Bank)				X					X								X										
5	379 shares of Mesa Ltd. Partnership (sold)	X								X								X										
6	Liberty Trust I, II & IV (Sold)	X								X												X						
7	Flag-Redfern Oil Co. (Sold)	X								X											X							
8	Promissory Note (Steen)		X									X					X											
9	Promissory Note (Dashiell)		X									X					X											
10																												

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FPM Chapter 734
U.S. Office of Personnel Management

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OMB No. 3209-0006

Reporting Individual's Name	Assets and Income	Page Number		Schedule
MARTIN L. ALLDAY			2c	A

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "exceptec trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

BLOCK A Assets & Income Sources	BLOCK B Valuation of Assets	BLOCK C Income	BLOCK D Transactions Test

Identify each asset and income source of yours, your spouse(S) and your dependent child (DC).

NONE ☐

S or DC		Category of Value (X)								Type of Income (X)						Other (Specify Type)	Category of Amount of Income (X)									Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	If yes, complete Schd. B Part I for those assets including those sold for a loss.	
		None or less than $1,001	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust		None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000			YES	NO
	Examples: X Y Z Common				X				X									X							—		X	
	Examples: Doe Jones & Smith, Hometown, USA			X											ptnrshp income									$50,000			
1	MUNICIPAL BONDS: "G.O." denotes "General Obligation Bond":																												
2	Arlington, Texas G.O.				X						X							X						1988				
3	Dallas, Texas Water Works					X					X					X					X			1989				
4	Grayson County, Texas G.O.				X						X								X					1988				
5	Lower Colorado River Author.				X						X							X						1989				
6	Lower Colorado River Author.				X						X								X					1988				
7	Fort Worth, Texas G.O.				X						X							X						1989				
8	State of Louisiana G.O.				X						X								X					1988				
9	Eanes IDS (Austin, Texas)			X							X								X					1989				
10	Grand Prairie, Texas G.O.			X							X								X					1988				
																								1989				

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Reporting Individual's Name	Assets and Income	Page Number		Schedule A
MARTIN L. ALLDAY			2d	

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. **Exclude** your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

BLOCK A Assets & Income Sources	BLOCK B Valuation of Assets	BLOCK C Income																						BLOCK D Transactions Test	
Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐	Category of Value (X)								Type of Income (X)							Other (Specify Type)	Category of Amount of Income (X)								Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	If yes, complete Schd. B Part II for those assets including those sold for a loss.	
	None (or less than $1001)	$1,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Exempted Trust	Qualified Trust		None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000			YES	NO
S or DC — Examples: XYZ Common			X				X									X							—		X	
Doe Joint: Smith, Hometown, USA			X										ptnrship income										$50,000			
1 MUNICIPAL BONDS CONTINUED:																										
2 Harris County, Tx, Flood Control			X						X						X							1988				
															X							1989				
3 Addison, Texas G.O.			X						X							X						1988				
															X							1989				
4 Carrolton, Texas G.O.				X					X						X							1988				
															X							1989				
5 Round Rock, Texas ISD			X												X							1988				
																X						1989				
6 Georgetown, Texas ISD				X					X						X							1988				
															X							1989				
7 Georgetown, Texas ISD				X					X						X							1988				
															X							1989				
8 Texas A&M G.O.				X					X								X					1988				
																X						1989				
9																										
10																										

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Part Chapter 734
U.S. Office of Personnel Management

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OMB No. 3209-0052

Reporting Individual's Name	Assets and Income	Page Number		Schedule
Martin L. Allday			2e	A

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on jointly held assets and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

BLOCK A Assets & Income Sources	BLOCK B Valuation of Assets	BLOCK C Income	BLOCK D Transactions Test

Identify each asset and income source of yours, your spouse(S) and your dependent child (DC).

NONE ☐

		Category of Value (X)								Type of Income (X)							Category of Amount of Income (X)											Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	If yes, complete Schd. B Part I for those assets including those sold for a loss.	
S or DC		None (or less than $1001)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify Type)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000			YES	NO
	Example: X Y Z Common				X				X									X									X	
	Doe Jones & Smith, Hometown, USA			X											ptnrship income									$50,000			
1	American Bar Association Keogh Plan							X							Profit Sharing Plan						X			$24,193			
2	Equitable Life Assurance Society - IRA *				X						X							X										
3	Equitable Life Assurance Society - IRA *		X								X						X											
4																												
5																												
6																												
7																												
8	* All income is deferred																											
9																												
10																												

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278-211

NSN 7540-01-070-4018

S plemental page provided 5 /89.

EXHIBIT ONE TO SCHEDULE A

LEASE NAME	WORKING INTEREST	NET REVENUE INTEREST	LAND DESCRIPTION All in Texas
Fisherman No. 1	2.5%	.0187688	E/2 SE/4 of Sec. 3, Blk. 32, T-1-N, T&P Ry. Co. Survey, HOWARD COUNTY
Enron purchases oil production. JVA Operators is Operator. Division Order No. 24098 Owner No. 85848			
Davis	2.5%	.0188331	W/2 NW/4 of Sec. 42, Blk. 31, T-1-N, T&P Ry. Co. Survey, to the base of Wolfcamp formation, HOWARD CO
Lantern Petroleum Corp. purchases oil production. JVA Operators is the Operator. Well plugged in April 1989. Division Order No. TX-61919-00 Owner No. 00309			
Moore-Gilmore	5.0%	.0375000	Sec. 6, Blk. 10, H&GRN Ry. Co. Sur., PECOS COUNTY
Union Oil Co. of California purchases production. JVA Operators is the Operator. Division Order No. 2-2-552-568-00 Owner No. 2-11710-0			
Glenn	6.25%	.0512700	SW/4 of Section 93, Blk. 23, H&GN Ry Co. Survey, GRAY COUNTY
Remuda Operating Co. purchases gas production. Remuda Operating Co. is the Operator. Lease No. 109001 Owner No. AL 545			
Eiland 128 & A 2-128	.656%	.0048192	SE/4 NE/4 of Sec 128 Blk. M, EL&RR Ry. Co Survey, DAWSON CO.
Lantern Petroleum Corp. purchases production. Tipperary Oil & Gas Corp. is the Operator. Lease No. TX 61509-00 Owner No. 00309			
Armstrong	1.5%	.0075000	SW/4 NE/4 of Sec. 1, Blk. A-45, PSL, to 9,430 feet, ANDREWS
Lantern Petroleum Corp. purchases production. V-F Petroleum is the Operator. Division Order No. TX 61927-00 Owner No. 00309			
Strauss	1.8%	.0135000	SE/4 of Sec. 50, GC & SF Ry. Co. Sur. CROCKETT COUNTY
Pride Pipeline Co. purchases production. Ralph L. Way, Inc. is the Operator. Division Order No. 9288 Owner No. 32335			

Supplemental page provided 5/1/89

EXHIBIT TWO TO SCHEDULE A

LEASE NAME	ROYALTY INTEREST NET REVENUE	LAND DESCRIPTION
Graham Lease	.010000	SE/4 of Sec. 8 & SW/4 of Sec. 9, T-15-S, R-36-E, LEA COUNTY, NEW MEXICO
Heinen Lease	.0075000	Survey 1044½, A-1091, I&GN Ry. Co. Survey; Survey 1041, A-663 Carlos Perez Survey; Survey 1044, John Pleasants Survey, ATASCOSA COUNTY, TEXAS
Foster Lease	.0000851	Sec. 11, Blk. 43, T-3-S, T&P Ry. Co. Survey, ECTOR COUNTY, TEXAS
		All in Blk. 6, H&TC Ry. Co. Survey, CROCKETT CO., TEXAS:
Harris Leases	.0012907	Section 59
	.0012046	Sections 59 and 68
	.0012086	SE/4 SE/4 of Section 60
	.0007914	SW/4 of Section 52

SF 278 (Rev. 1/87)
Part Chapter 735
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0082

Reporting Individual's Name	Page Number		Schedule
MARTIN L. ALLDAY		3	B

Part I
Transactions

Incumbents and Termination Filers only: Report any purchase, sale or exchange by you, your spouse or dependent child during the reporting period of any real property, stocks, bonds, commodities futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction between you, your spouse or your dependent child.

NONE ☐

B or DC	Examples	Identification of Assets	Type of Transaction (X) Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	Amount of Transaction (X) $1,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Example:	X Y Z Common	X			2/1/83			X		
1											
2											
3		NOT APPLICABLE - NOMINEE									
4											
5											
6											

Part II
Gifts, Reimbursements and Travel Expenses

Incumbents and Termination Filers only:
Report the source, a brief description and the value of: (1) in-kind gifts of transportation, lodging, food or entertainment received from one source totaling $250 or more unless received as personal hospitality at the donor's personal or family residence; (2) other gifts received from one source totaling $100 or more in value; and (3) cash reimbursements of $250 or more received from one source. Exclude gifts and reimbursements received by your spouse that were given totally independent of their relationship to you. **Exclude** transportation, lodging, food and reimbursements from the U.S. Government. For (1) and (2), **exclude** gifts from relatives and **exclude** gifts of $35 or less when aggregating them for the total from one source. See instructions for further exclusions.

NONE ☐

B	Examples	Source (Name and Address)	Brief Description	Value
	Example:	[redacted], of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/19/83	$500
	Example:	[redacted], of Rock Collectors, NY, NY	Leather briefcase for retiring president	$125
1				
2				
3				
4				
5				
6				

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Reporting Individual's Name

Martin L. Allday

Page Number	4	Schedule C

Part I
Liabilities

All Filers: Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse or dependent child. Check the highest amount owed during the reporting period. Exclude a mortgage on your personal residence unless it is rented out, loans secured by automobiles, household furniture or appliances, and liabilities owed to relatives. See instructions for revolving charge accounts.

NONE ☐

	Creditor (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (X) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
S or DC	Example: First District Bank, Washington, DC	Mortgage on rental property, Rehoboth Beach, Delaware	1981	13%	25 yrs.			X		
	Example: John Jones, 123 J St., Washington, DC	Promissory note	1979	10%	on demand	X				
	First City Bank Midland, Texas	Promissory Note (Paid in 1989)	1989	Prime +2 %	5mo.			x		
2										
3										
4										
5										
6										

Part II
Agreements Or Arrangements

All Filers: Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

NONE ☐

	Status and Terms of any Agreement or Arrangement	Parties	Date (Mo., Yr.)
Example:	Pursuant to partnership agreement, will receive capital account & partnership share calculated on service performed through 11/83	Doe Jones & Smith, Home Town, USA	7/75 ptnership agmnt
	Upon separation from my law firm, I will receive a percentage of the	Law firm of Lynch, Chappell, Allday	4/89
	cash on hand in the firm. Such is estimated between $15- $50,000	& Alsup	

PREVIOUS EDITION USABLE

278-108

SF 278 (Rev. 1/87)
Final Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0002

Reporting Individual's Name
Martin L. Allday

Page Number	5	Schedule D

Part I
Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution.

Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/82	6/83
	Doe Jones & Smith, Hometown, USA	Law firm	Partner	7/75	11/83
	Lynch, Chappell, Allday & Alsup- Midland, Texas	Law firm	Partner	9/79	Present
	North American Royalties, Inc.-Chattanooga, Tennessee	Foundry & Oil & gas	Director	3/79	Present
	First City, Texas- Midland, N.A.- Midland Texas	Bank	Advisory Director	6/83	Present
	National Park Foundation- Washington, D.C.	Foundation	Director & Treasurer	1985	Present
	Midland Memorial Foundation- Midland, Texas	Hospital Foundation	Vice President- BD of Gov.	5/81	Present
	Permian Basin Petroleum Museum- Midland, Texas	Museum	Trustee	1/74	Present

Part II
Compensation in Excess Of $5000 Paid by One Source

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☐

	Source (Name and Address)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, USA	Legal services
	Metro University (client of Doe Jones & Smith) Hometown, USA	Legal services in connection with university construction
1988:	M. L. Allday, co-Exec. of Est. Of C.L. Ludeman, Dec'd.	Legal services (Midland Texas)
	James N. Allison Marital Deduction Trust	Legal services
	Linda W. Allison Management Trust	Legal services
	Murphy H. Baxter and Affiliates	Legal services
	Edith E. Brasher	Legal services
	H. L. Brown, Jr.	Legal services
	C. Fred Chambers Management Trust	Legal services
	Chevron U.S.A. Inc.	Legal services
	Coopers & Lybrand	Legal services
	DavCron, Inc. and Affiliates	Legal services
	L. R. French, Jr.	Legal services
	W. D. Kennedy	Legal services

PREVIOUS EDITION USABLE

278-1/89

SF 278 (Rev. 1/87)
Final Chapter 7Rs
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0020

Reporting Individual's Name

Allday, Martin L.

Page Number	5A	Schedule D

Part I
Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution.

Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Non profit education	President	8/82	6/83
	Doe Jones & Smith, Hometown, USA	Law firm	Partner	7/78	11/83
	High Sky Children's Ranch-Midland, Texas	Non-Profit Abandoned Children's Home	Govenor	1/87	Present
	Midland Petroleum Club Midland, Texas	Social Club	Member	1/71	Resigned
	Exchange Club Of Midland Midland, Texas	National Service Club	Member	1975	Present
	Permian Basin Area Foundation Midland, Texas	Charitable	Member	2/89	Present
	Thirty-three (33) Trusts- see Attached list	Trust	Trustee	Various Dates	Present

Part II
Compensation In Excess Of $5000 Paid by One Source

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☐

	Source (Name and Address)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, USA	Legal services
	Metro University (client of Doe Jones & Smith) Hometown, USA	Legal services in connection with university construction
1988:	W.D. Kennedy Management Trust	Legal Services.
	Estate Of Clifford G. Ludeman, Dec'd	Legal Services.
	Ludeman Management Trust	Legal Services.
	Nehawka Energy Limited	Legal Services.
	North American Royalties, Inc.	Legal Services
	Paul Page/Page Energy	Legal Services.
	Wagner & Brown and Affiliates	Legal Services.
1989	Linda W. Allison Management Trust	Legal Services.
	Interscope Communications, Inc.	Legal Services.
	Gordon Knox	Legal Services.
	North American Royalties, Inc.	Legal Services
	Paul Page/ Page Energy	Legal Services
	Wagner & Brown	Legal Services

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Reporting Individual's Name:

MARTIN L. ALLDAY

PAGE NUMBER 5b

Schedule D

Trustee for the following named Trusts and Individuals:

Powhatan E. K. French 1976 Trust
Powhatan E. K. French 1983 Trust
R. W. French 1976 Trust
Richard W. B. French 1983 Trust
W. F. K. French 1976 Trust
W. F. K. French 1983 Trust
Morgan A. Kennedy Management Trust
William Duncan Kennedy, Jr. Management Trust
Patrick B. Kennedy Management Trust
Thomas F. C. Kennedy Management Trust
Kennedy Children's Large Trust
Manning M. Stinson 1978 Trust
John R. Stinson 1978 Trust
Jastrow Children's Trust
Catherine G. Holloway 1979 Trust
Catherine G. Holloway 1980 Trust
Marcia Holloway 1980 Trust
Patrick Holloway 1979 Trust
Storm Holloway 1981 Trust
Kelly Vineyard 1975 Trust
John Richard Warren 1975 Trust
Mary Patricia Warren 1975 Trust
Irrevocable Life Insurance Trust for Wauleah Y. Fullinwider
Irrevocable Life Insurance Trust for Jerome M. Fullinwider
Rebel E. Blackwell, Jr. Separate Property Allocation Trust
Phyllis P. Blackwell Separate Property Allocation Trust
Community Property Allocation Trust (Blackwell)
W. D. Kennedy Management Trust
C. Fred Chambers Management Trust
Ludeman Management Trust
Lyda T. Ludeman 1983 Management Trust
Linda Allison 1982 Management Trust
Marital Deduction Trust U/W of James N. Allison, Jr., dec'd

UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Gallegos (LAST) Lou (FIRST) (OTHER)

Position to which nominated: Assistant Secretary for Policy, Budget & Administration

Date of nomination: June 22, 1989

Date of birth: 11 (DAY) 4 (MONTH) 38 (YEAR)

Place of birth: Amalia, New Mexico

Marital status: Married

Full name of spouse: Antonia Maria

Name and ages of children: Jerry L.L. Gallegos age 29; James A. Gallegos age 23; Martin A. Gallegos age 26; Louisa M. Gallegos age 13; Lauris H. Gallegos age 26

Education:

Institution	Dates attended	Degrees received	Dates of degrees
New Mexico Highlands University	1/75 to 11/76		
Bent County High School	9/52 to 6/56		

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

U.S. Air Force - Non-Commissioned Officer-in-Charge, Reserve Andrews AFB (Maryland) 9/62 to 3/64

U.S. Air Force - Management Engineering Technician, Robins AFB (Georgia) 4/64 to 10/65

N.M. State Highway Dept. - Engineering Aide - Santa Fe, N.M. 11/65 to 12/65

N.M. State Employment Service - Employment Interviewer - Albuquerque, N.M. 1/66 to 12/66

U.S. Dept. of Agriculture - Administrative Assistant - Dallas, TX 1/67 to 1/68

U.S. Dept. of Agriculture - Officer-in-Charge - Dallas, TX 2/68 to 4/71

U.S. Dept. of Agriculture - Lead Officer-in-Charge - Dallas, TX 4/71 to 1/72

U.S. Dept. of Agriculture - District Manager - Dallas, TX 1/72 to 5/73

(CONTINUED)

U.S. Air Force - Basic Trainee - Lackland AFB - Texas - 12/56 to 2/57
U.S. Air Force - Student - Scott AFB - Illinois - 2/57 to 6/57
U.S. Air Force - Morning Report Clerk - Davis-Monthan AFB - Arizona - 6/57 to 3/58
U.S. Air Force - Clerk, Finance & Effectiveness Reports - Anderson AFB - Guam 3/58 to 8/58
U.S. Air Force - Personnel Clerk - NAHA AB, Okinawa - 8/58 to 2/60
U.S. Air Force - Classification Assignments Clerk - Ellington AFB - Texas - 6/60 to 12/60
U.S. Air Force - Personnel Specialist - Clinton AFB - Ohio - 12/60 to 8/62

Employment record—Continued

Military service: Describe any military service not listed above, including dates, rank, and type of discharge.

Dec '56 - Oct '65 SSG Honorable

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

1956 FTA Scholarship to Adams State College, Alamosa, CO (not used)

Distinguished Service Award, USDA

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Dates	Office held (if any)
Acequia de Los Gonzales	1960-present	Former Executive Director
Rio Chama Trust	6/85-present	Board of Directors
American Diabetes Association	8/87-present	Director on the Board
American G.I. Forum	6/67-present	Trustee
American Legion Post 24	6/77-present	Service Officer
Fraternal Order of Eagles	3/78-4/79	Member

Gallegos, Lou

Employment record: (CONTINUED)

U.S. Dept. of Agriculture - Regional Program Director - Dallas, TX	-	5/73 to 3/75
Gallegos Farms - Owner-Operator - Sena, N.M.	-	3/75 to 12/76
Sen. Pete Domenici - Field Representative - Albuquerque, N.M.	-	1/77 to 10/80
Sen. Pete Domenici - Administrative Aide - Washington, D.C.	-	10/80 to 12/82
Sen. Pete Domenici - State Director - Albuquerque, N.M.	-	1/83 to 2/84
Candidate for U.S. House of Representatives	-	2/84 to 11/84
Galleogs Farms - Owner-Operator - Sena, N.M.	-	12/84 to 2/85
Republican Party of N.M. - Executive Director - Albuquerque, N.M.	-	2/85 to 8/85
Farmers Home Administration - State Director - Washington, D.C.	-	8/85 to 12/86
State of N.M. - Secretary, Department of Human Services - Santa Fe, N.M.	-	1/87 to 12/88
U.S. Department of the Interior - Special Assistant to the Secretary - Washington, D.C.	-	1/89 to Present

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written.

None.

Future employment relationships:

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Yes.

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

No.

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

1 2

No. No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

Have not been appointed to fixed term.

Future employment relationships—Continued

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

No.

Financial statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None.

3. Are you currently a party to any legal action? If so, describe its nature and status.

No.

4. Have you ever declared bankruptcy? If so, describe the circumstances.

No.

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

Yes.

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No.

Potential conflicts of interest:

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

Undeveloped land located in Miquel County, NM. This land is surrounded by Federal land administered by the Bureau of Land Management (BLM). Although I have no direct permit or other right in BLM lands, I have agreed, upon confirmation, to recuse myself from involvement in any Federal matters that may affect my land. I take this action to avoid even any appearance of a conflict of interest.

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None.

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

Registered as lobbyist, as required by State law in New Mexico, as a prerequisite to promote the interests of the Governor in the Human Services arena while serving as a Cabinet officer.

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

Yes, in a past secretarial briefing and personal counseling session with the Deputy Agency Ethics Official at Interior

Potential conflicts of interest—Continued

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to this form and the attachments thereto. Attach a statement of the appropriate agency ethics official explaining the applicable laws or regulations, any potential conflicts, and the action required to resolve such conflicts.

The method I pursue to resolve any potential conflict of interest or the appearance of conflict of interest will be based on the advice I receive from the Department of the Interior's Designated Agency Ethics Official. Attached is a copy of the Designated Agency Ethics Official's opinion letter to the Office of Government Ethics concerning my reported financial interests.

6. Explain how you will resolve any potential conflicts of interest that may arise in the future if you are confirmed for the position for which you have been nominated.

In the event that I am confronted by a situation that may result in, or create the appearance of a conflict of interest, I shall report the situation to and seek the advice of the Department of the Interior's Designated Agency Ethics Official.

Public disclosure: Do you have any objections to this form and the attachments thereto being made public?

No.

AFFIDAVIT

I, Lou Gallegos) ss being duly sworn, hereby state that I have read the foregoing Statement for Completion by Presidential Nominees, including all attachments thereto, and that the information provided therein is, to the best of my knowledge and belief, current, accurate, and complete.

Lou Gallegos
(Signature of Nominee)

Subscribed and sworn to before me this 5th day of July, 1989

Notary Public

My commission expires April 14, 1992

Form approved by the Committee February 5, 1985.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

TAKE PRIDE IN AMERICA

28 SEP

Honorable Frank Q. Nebeker
Director, Office of Government Ethics
Office of Personnel Management
P.O. Box 14108
Washington D.C. 20044

Dear Judge Nebeker:

This letter will document the actions I intend to take to prevent any actual or apparent conflict of interest under the statutes and regulations that will apply to me as Assistant Secretary - Policy, Budget & Administration.

Upon confirmation as Assistant Secretary - Policy, Budget & Administration for the Department of the Interior, I will recuse myself from particular matters that may come before me that involve my undeveloped land located in San Miquel County, New Mexico. My recusal will also extend to particular matters that may come before me that deal with my farmlands, or the Acequia de Los Gonzales Water Users Association.

I have been advised by the Department of the Interior Deputy Agency Ethics and Audit Coordination Official that all of the other financial interests reported on my Financial Disclosure Report are in full compliance with the statutes and regulations that will be applicable to me as Assistant Secretary - Policy, Budget & Administration.

Sincerely,

Lou Gallegos

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 20 1989

Honorable Frank Q. Nebeker
Director, Office of Government Ethics
Office of Personnel Management
P.O. Box 14108
Washington D.C. 20044

Dear Judge Nebeker:

The enclosed financial disclosure report filed by Lou Gallegos for the position of Assistant Secretary - Policy, Budget & Administration has been reviewed in compliance with 5 CFR 734.604(a). In addition to the standard conflict of interest prohibitions contained in 18 U.S.C. 201 - 209 and Executive Order 12674, the Assistant Secretary - Policy, Budget & Administration is also subject to five statutory prohibitions that apply to employees in our Department. These statutory prohibitions are: 18 U.S.C. 437; 30 U.S.C. 6; 30 U.S.C. 1211(f); 43 U.S.C. 11 and 43 U.S.C. 31(a). Except for 30 U.S.C. 1211(f), the provisions of each of these statutes are extended to the Assistant Secretary - Policy, Budget & Administration by Department of the Interior regulations in 43 CFR Part 20.735.

Presently, Gallegos Farms is only being maintained and is not involved in any business operations. Gallegos Farms has no direct business with the Department of the Interior.

As a result of his ownership of Gallegos Farms, Mr. Gallegos is automatically a member of the Acequia de Los Gonzales Water Users Association. The Acequia de Los Gonzales Water Users Association may have current or future business pending before the Department of Agriculture or the U.S. Army Corps of Engineers, but it is very unlikely that this Association will have matters pending before the Department of the Interior. In December of 1988, Mr. Gallegos resigned as Executive Director of the Acequia de Los Gonzales Water Users Association. Mr. Gallegos will continue only as a member of this Association. As a precaution and to prevent any actual or apparent conflict of interest, Mr. Gallegos, upon confirmation as Assistant Secretary - Policy, Budget & Administration, will voluntarily recuse himself from all matters that may come before him that involve his farmlands or the Acequia de Los Gonzales Water Users Association.

The undeveloped land in San Miquel County, New Mexico, is surrounded by land administered by the Bureau of Land Management (BLM). Mr. Gallegos has no permit or other right in any BLM lands. Access to his private property is through a traditionally established public road over BLM lands. No individual BLM permit is required to use this road.

As a precaution and to prevent any actual or apparent conflict of interest, Mr. Gallegos, upon confirmation as Assistant Secretary - Policy, Budget & Administration, will voluntarily recuse himself from becoming involved in particular matters dealing with his property in San Miquel County, New Mexico.

The Rio Chama Trust Director position involved work to seek, obtain and enhance the designation of a portion of the Rio Chama River as a Wild and Scenic River. This designation was accomplished prior to Mr. Gallegos' appointment to this Department. Mr. Gallegos' continued work with this organization is not related to any Department of the Interior programs or issues.

All of the other interests reported by Mr. Gallegos are acceptable under the conflict of interest statutes and regulations that will apply to him as Assistant Secretary - Policy, Budget & Administration. Based on our review and anaysis and on the actions agreed to by Mr. Gallegos in the enclosed commitment letter, I have certified to the enclosed financial disclosure report.

Sincerely,

Charles E. Kay

Charles E. Kay
Principal Deputy Assistant Secretary -
Policy, Budget & Administration and
Designated Agency Ethics Official

Enclosures

United States
Office of Government Ethics
P O Box 14108
Washington, D C 20044

JUN 30 1989

The Honorable J. Bennett Johnston
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Lou Gallegos, who has been nominated by President Bush for the position of Assistant Secretary - Policy, Budget and Administration, Department of Interior.

We have reviewed the report and have also obtained advice from the Interior Department concerning any possible conflict in light of the department's functions and the nominee's proposed duties. Mr. Gallegos has agreed, if confirmed, to recuse himself from official participation in any particular matters involving his undeveloped land, his farmlands or the Acequia de Los Gonzales Water Users Association, of which he is a member. In addition, the Interior Department has determined that Mr. Gallegos is in compliance with the various Interior-specific conflicts statutes. Based on the foregoing, we believe that Mr. Gallegos is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Frank Q. Nebeker
Director

Enclosure: As stated

bcc: Department of Interior

Financial Disclosure Report

Reporting Status (Check Appropriate Box)			OGE Use Only	Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)	Termination Date (If Applicable) (Mo., Day, Year)
☐ Incumbent	☒ New Entrant, Nominee, or Candidate	☐ Termination Filer	JUN 28 1989	Nominated 6/22/89	

	Last Name	First Name and Middle Initial
Reporting Individual's Name	Gallegos	Lou
Position for Which Filing	Title of Position: Assistant Secretary - Policy, Budget & Administration	Department or Agency (If Applicable): Department of the Interior
Location of Present Office	Address (Number, Street, City, State and ZIP Code): Main Interior Building, Washington D.C. 20240	Telephone No. (Include Area Code): (202) 343-6182
Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held: Special Assistant to the Secretary, Not Interior for Administration EOD 1/19/89	

	Name of Congressional Committee Considering Nomination	Do You Intend to Create a Qualified Diversified Trust?
Presidential Nominees Subject to Senate Confirmation	Energy and Natural Resources	☐ Yes ☒ No

	Signature of Reporting Individual	Date (Month, Day, Year)
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Lou Gallegos	6-1-89
Other Review (If desired by agency)	Signature of Other Reviewer: Mason Tsai	Date (Month, Day, Year): 6/26/89
Agency Ethics Official's Opinion: The information contained in this report discloses no conflict of interest under applicable laws and regulations.	Signature of Designated Agency Ethics Official/Reviewing Official: Charles E. Kay	Date (Month, Day, Year): 6/29/89
Office of Government Ethics Use Only WEB 6/29/89	Signature: Frank Q. Nebeker	Date (Month, Day, Year): 6/30/89

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

1/ Pursuant to telephone conversation of 6/29/89 with Mr. Tsai, Interior ethics office (WEB).

(Check box if comments continued on the reverse side) ☐

Reporting Periods

Incumbents: Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

Termination Filers: Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

Nominees, New Entrants and Candidates for President and Vice President: Complete Schedules A (except for BLOCK D), C, and D. (Candidates do not file Part II of Schedule D.

- **Schedule A**—The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I (Liabilities)**—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II (Agreements and Arrangements)**—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

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Form Approved
OMB No. 3209-0002

Reporting Individual's Name	Assets and Income	Page Number	2	Schedule A
Lou Gallegos				

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal business and partnership interests. **Exclude** your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 or more received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

BLOCK A Assets & Income Sources	BLOCK B Valuation of Assets								BLOCK C Income																BLOCK D Transactions Test	
Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐	Category of Value (X)								Type of Income (X)							Other (Specify Type)	Category of Amount of Income (X)									Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	If yes, complete Schd. B Part I for those assets including those sold for a loss.	
	None (or less than $1001)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000		Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust			None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000			YES	NO
S DC Examples: X Y Z Common				X					X										X								X	
Doe Jones & Smith, Hometown, USA			X													ptnrshp income									$50,000			
1 Gallegos Farms Sena, NM						X											X											
2 State of New Mexico																Salary								1988- 1989-	$62,38 $ 2,29			
Undeveloped land (173 Acres) San Miguel County, NM				X													X											
4 Albuquerque Federal Employees Credit Union			X								X							X										
5																												
6																												
7																												
8																												
9																												
10																												

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FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0002

Reporting Individual's Name
Lou Gallegos

Page Number 3 | Schedule B

Part I
Transactions

Incumbents and Termination Filers only: Report any purchase, sale or exchange by you, your spouse or dependent child during the reporting period of any real property, stocks, bonds, commodities futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction between you, your spouse or your dependent child.

NONE ☐

S or DC	Example	Identification of Assets	Type of Transaction (X) Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	Amount of Transaction (X) $1,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Example	X Y Z Common	X			2/1/83		X			
1		Not Applicable									
2											
3											
4											
5											
6											

Part II
Gifts, Reimbursements and Travel Expenses

Incumbents and Termination Filers only:
Report the source, a brief description and the value of: (1) ..ind gifts of transportation, lodging, food or entertainment received from one source totaling $250 or more unless received as personal hospitality at the donor's personal or family residence; (2) other gifts received from one source totaling $100 or more in value; and (3) cash reimbursements of $250 or more received from one source. Exclude gifts and reimbursements received by your spouse that were given totally independent of their relationship to you. Exc.. le transportation, lodging, food and reimbursements fror th. U.S. Government. For (1) and (2), exclude gifts from re- iv.s and exclude gifts of $35 or less when aggregating th: ı or the total from one source. See instructions for further exclusions.

NONE ☐

S	Example	Source (Name and Address)	Brief Description	Value
	Example	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/83	$500
	Example	Nat'l Assn. of Rock Collectors, NY, NY	Leather briefcase for retiring president	$126
1		Not Applicable		
2				
3				
4				
5				
6				

PREVIOUS EDITION USABLE

11 M (Appx. 7-4)
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0042

Reporting Individual's Name

Lou Gallegos

Page Number	4	Schedule C

Part I
Liabilities

All Filers: Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse or dependent child. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to relatives. See instructions for revolving charge accounts.

NONE [X]

		Creditor (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Highest Amount Owed During Reporting Period: $10,000 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
S or	Examples	First District Bank, Washington, DC	Mortgage on rental property, Rehoboth Beach, Delaware	1981	13%	25 yrs.			X		
		John Jones, 123 J St., Washington, DC	Promissory note	1979	10%	on demand	X				
2											
3											
4											
5											
6											

Part II
Agreements Or Arrangements

All Filers: Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

NONE [X]

	Status and Terms of any Agreement or Arrangement	Parties	Date (Mo., Yr.)
Example	Pursuant to partnership agreement, will receive capital account & partnership share calculated on service performed through 11/83	Doe Jones & Smith, Home town, USA	7/75 ptnership agmnt.

PREVIOUS EDITION USABLE

279-108

Reporting Individual's Name
Lou Gallegos

Page Number 5 | Schedule D

Part I
Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution.

Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples: Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/82	6/83
Doe Jones & Smith, Hometown, USA	Law firm	Partner	7/75	11/83
American Diabetes Association 935 San Pedro SE Albuquerque, NM 87111	Non-profit education	Director on the Board	81	Present
Rio Chama Trust Santa Fe, NM	Non-profit education	Board of Directors	6 81	Present
Acequia de Los Gonzales Sena, NM 87568	Water Users Association	Executive Director	8 77	12/88
Acequia de Los Gonzales Sena, NM 87568	Water Users Association	Member	1950	Present
Human Services Dept., State of New Mexico, Santa Fe, NM	State department	Cabinet Secretary	1/87	1/89

Part II
Compensation In Excess Of $5000 Paid by One Source

Membership in the Acequia de Los Gonzales Water Users Association conveys with the farm property.

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $ 5,000. You need not report the U.S. Government as a source.

NONE ☐

Source (Name and Address)	Brief Description of Duties
Examples: Doe Jones & Smith, Hometown, USA	Legal services
Metro University (client of Doe Jones & Smith) Hometown, USA	Legal services in connection with university construction
State of New Mexico, Human Services Department Santa Fe, NM 87501	Salary as cabinet secretary

PREVIOUS EDITION USABLE

278-108

UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Guerra (LAST) Stella (FIRST) G. (OTHER)

Position to which nominated: Asst. Sec. of the Interior (Territorial & Internat'l Affairs) Date of nomination: June 13, 1989

Date of birth: 31 (DAY) Jan (MONTH) 45 (YEAR) Place of birth: Corpus Christi, Texas

Marital status: Divorced Full name of spouse:

Name and ages of children None

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Our Lady of the Lake Univ. San Antonio, TX	9/70 - 5/73	M.A. & Comm. Disorder	Jul '73
Texas A&I Univ. Kingsville, TX	9/65 - 5/67	B.S/Education	May '67
Del Mar Jr. College Corpus Christi, TX	6/63 - 7/65	A.A/Business	Jul '66
W.B Ray High School Corpus Christi, TX	9/60 - 5/63	Diploma	May '63
Advanced & Accredited Beauty College	Summer of 60 - 61	Cosmetology License by TX State Boards	Jun '61

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

Washington D.C.
- Air Force Dep for Equal Opportunity (Military/Civilian) & Dir of EEO, The Pentagon 2/83 - 7/89
- Sp. Asst. for Internat'l Affairs to the Dep. Under Sec. for Inter-agency/Intergovermental Affairs, U.S. Dept of Education., 10/81-2/83
- Consultant for Community Development/Social events to Iberio-AM C of C, Hispanic Council on Foreign Policy and Hispanics for Reagan-Bush, 4/81 - 10/81
- Staff Asst. to the U.S. Chief of Protocol, Dept of State, 2/80 - 3/81

San Antonio, TX
- Reg. Classroom teacher 9/67 - 8/70, Sp. Ed. Teacher 9/70 - 7/73 & Dist-Wide Educa. Diagnostian 8/73-2/80, Northeast ISD.
- MGR/Owner of Gramophone (Records/Tapes) Shops, 11/74 - 2/80

Corpus Christi, TX
- Hairdresser, Vogue Beauty Salon, 7/61 - 9/67

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.

"Women in America Shooting for the Star", Vital Speeches of the Day, Sept. 86 and Reprinted in the Congressional Record

Various speeches and articles addressing issues of women and minorities have been printed in the Defense Equal Opportunity Current News during my tenure as Air Force deputy for equal opportunity.

Future employment relationships:

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Yes

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

No

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

None

Question 6, of Page 4:

Yes, 1966, as a married college student working part-time as a hairdresser, I reported medical expenses of Approx. $5,000 due to open-heart surgery. IRS questioned the amounts collected from insurance and tips. Questions were satisfactorily answered at a meeting with IRS and no penalty was incurred.

1987 - IRS questioned a 1985 IRA account which was rolled-over. Copies of IRA withdrawal from one acct. and deposit of same amount into another IRA account within the legal time limits were sent to IRS. Inquiry was satisfactorily resolved.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 14 [illegible]

Honorable Frank Q. Nebeker
Director, Office of Government Ethics
Office of Personnel Management
P.O. Box 14108
Washington D.C. 20044

Dear Judge Nebeker:

This letter will document the action I intend to take to prevent any actual or apparent conflict of interest under the statutes and regulations that will apply to me as Assistant Secretary - Territorial & International Affairs.

Upon confirmation as Assistant Secretary - Territorial & International Affairs, I will resign from the Advisory Board of the Friends of the Phillipines General Hospitals.

I have been advised by the Department of the Interior Deputy Agency Ethics and Audit Coordination Official that all of the other interests reported on my Financial Disclosure Report are in full compliance with the statutes and regulations that will be applicable to me in the position of Assistant Secretary - Territorial & International Affairs.

Sincerely,

Stella G. Guerra

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 19 1989

Honorable Frank Q. Nebeker
Director, Office of Government Ethics
Office of Personnel Management
P.O. Box 14108
Washington D.C. 20044

Dear Judge Nebeker:

The enclosed financial disclosure report filed by Estella G. Guerra for the position of Assistant Secretary - Territorial & International Affairs, has been reviewed in compliance with 5 CFR 734.604(a). In addition to the standard conflict of interest prohibitions contained in 18 U.S.C. 201 - 209 and Executive Order 12674, the Assistant Secretary - Territorial & International Affairs is also subject to five statutory prohibitions that apply to employees within our Department. These statutory prohibitions are: 18 U.S.C. 437; 30 U.S.C. 6; 30 U.S.C. 1211(f); 43 U.S.C. 11 and 43 U.S.C. 31(a). Except for 30 U.S.C. 1211(f), the provisions of each of these statutes are extended to the Assistant Secretary - Territorial & International Affairs by Department of the Interior regulations in 43 CFR Part 20.735.

John A. Ronveaux has an outstanding personal loan with Ms. Guerra. Mr. Ronveaux is a personal friend of Ms. Guerra, and has no business dealings with the Department of the Interior.

Ms. Guerra owns rental property in the District of Columbia, in Alexandria, Virginia and in Houston, Texas. She has advised us that none of her tenants have any business dealings with the Department of the Interior.

Upon confirmation as Assistant Secretary - Territorial and International Affairs, Ms. Guerra will resign her position on the Advisory Board of the Friends of the Phillipines General Hospitals.

Ms. Guerra will continue to serve as the Director of the Mexican-American Cultural Center. This center is a pastoral education institution and specialized resource center for Hispanic ministry. She receives no compensation for her services as director of this cultural center.

The Shearson Lehman-Hutton Futures IV Fund is independently managed and is composed of zero coupon treasury notes and a wide range of commodities. The investment assets of Southwestern Life Insurance Company are indpendently managed and widely diversified.

Based on our review of the information provided, I have determined and certified that Ms. Guerra is in compliance with the ethics statutes and regulations which apply to the Assistant Secretary - Territorial & International Affairs.

Should you have any questions concerning the report submitted by Ms. Guerra, please call Gabriele J. Paone or Mason Tsai on 343-5916.

Thank you.

Sincerely,

Charles E. Kay

Charles E. Kay
Principal Deputy Assistant Secretary -
Policy, Budget & Administration and
Designated Agency Ethics Official

Enclosure

SF 278 (Rev. 7-87)
5 CFR Chapter XVI
U.S. Office of Personnel Management

Financial Disclosure Report

Form Approved
OMB No. 3209-0060

Reporting Status (Check Appropriate Box)		Agency Use Only	OGE Use Only	Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)	Termination Date (If Applicable) (Month, Day, Year)
☐ Incumbent	☒ New Entrant, Nominee, or Candidate ☐ Termination Filer			2/28/83	

	Last Name	First Name and Middle Initial
Reporting Individual's Name	GUERRA	ESTELLA G. (STELLA)
Position for Which Filing	Title of Position: Assistant Secretary for Territorial and International Affairs	Department or Agency (If Applicable): Department of Interior
Location of Present Office	Address (Number, Street, City, State and ZIP Code): C Street between 18/19th Streets, Wash D.C. 20240	Telephone No. (Include Area Code): 202-343-8422
Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held: Air Force Deputy for Equal Opportunity, The Pentagon, Feb 83 - Jun 89	
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Energy and Natural Resources Committee	Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No

Certification	Signature of Reporting Individual	Date (Month, Day, Year)
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Estella G. Guerra	April 30, 1989
Other Review (If desired by agency)	Signature of Other Reviewer	Date (Month, Day, Year)
	Mason Tai	6/10/89
	Gabriele L. Rose	6/14/89
Agency Ethics Official's Opinion	Signature of Designated Agency Ethics Official/Reviewing Official	Date (Month, Day, Year)
The information contained in this report discloses no conflict of interest under applicable laws and regulations	Charles E. Kay	6/14/89
Office of Government Ethics Use Only	Signature	Date (Month, Day, Year)

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

(Check box if comments are continued on the reverse)

Reporting Periods

Incumbents: Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

Termination Filers: Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

Nominees, New Entrants and Candidates for President and Vice President: Complete Schedules A, C, and D. (Candidates do not file Part II of Schedule D.)

- **Schedule A**—The reporting period for Income (BLOCK C) and Transactions Test (BLOCK D) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I** (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II** (Agreements and Arrangements)—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

SF 278 (Rev. 1/95)
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0711

Reporting Individual's Name	Assets and Income	Page Number	2	Schedule A
Guerra, Estella G.				

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. **Exclude** a personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 or more received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

BLOCK A Assets & Income Sources		BLOCK B Valuation of Assets							BLOCK C Income													BLOCK D Transactions Test	
Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐		Category of Value (X)							Type of Income (X)							Category of Amount of Income (X)									If yes, complete Schd. B Part I for these assets including those sold for a loss.	
S or DC		None (or less than $1001)	$1,001 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify Type)	None (or less than $101)	$101 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	Over $100,000	Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	YES	NO
Example	X Y Z Common				X				X									X								X	
	Doe Jones & Smith, Hometown, USA			X											ptnrshp income									$50,000			
1	Futures IV Fund (IRA) Shearson Lehman-Hutton			X								X					X										
2	America First (IRA) - Common Stock		X						X								X										
	Aetna Real Estate (IRA) Common Stock		X						X								X										
4	Southwestern Life Insurance (Annuity)		X								X						X										
5	Pentagon Federal Cr. Union		X								X						X										
6	Perpetual Bank Money Market Fund		X								X						X										
7	Govt Securities Fund Shearson Lehman-Hutton	X									X	X					X										
8	Rental Condo L. St. Wash D.C.					X				X											X						
9	Rental Condo Alex. Va.					X				X											X						
10	Rental House Houston, Texas				X					X										X							

PREVIOUS EDITION USAB E

276 200

SF 278 (Rev. 1/95)
FPM Chapter 735
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0001

Reporting Individual's Name	Assets and Income	Page Number		Schedule A
Guerra, Estella G.			3	

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal business and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 or more received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

BLOCK A Assets & Income Sources			BLOCK B Valuation of Assets								BLOCK C Income														BLOCK D Transactions Test	
Identify each asset and income source of yours, your spouse's (S) and your dependent child (DC). NONE [ ]			Category of Value (X)								Type of Income (X)							Category of Amount of Income (X)									If yes, complete Schd. B Part I for those assets including those sold for a loss.	
S or DC	Exam-ples		None (or less than $1001)	$1,001 $5,000	$5,001 $15,000	$15,001 $50,000	$50,001 $100,000	$100,001 $250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify Type)	None (or less than $101)	$101 $1,000	$1,001 $2,500	$2,501 $5,000	$5,001 $15,000	$15,001 $50,000	$50,001 $100,000	Over $100,000	Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	YES	NO
		X Y Z Common				X				X									X							X	
		Doe Jones & Smith, Hometown, USA			X											ptnrshp income									$80,000			
1		Personal Loan to John A. Ronveaux (Friend)		X								X					X											
2																												
4																												
6																												
6																												
7																												
8																												
9																	•											
10																												

PREVIOUS EDITION USABLE

328-200

SF 278 (Rev. 1/92)
FPM Chapter 735
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0755

Reporting Individual's Name:	Page Number	4	Schedule B
Guerra, Estella G.			

Part I
Transactions

Incumbents and Termination Filers only: Report any purchase, sale or exchange by you, your spouse or dependent child during the reporting period of any real property, stocks, bonds, commodities futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction between you, your spouse or your dependent child.

NONE ☐

S or DC	Example	Identification of Asset	Type of Transaction (X) Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	Amount of Transaction (X) $1,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Example	X Y Z Common	X			2/1/83			X		
1											
2											
3		NA									
4											
5											
6											

Part II
Gifts, Reimbursements and Travel Expenses

Incumbents and Termination Filers only:
Report the source, a brief description and the value of: (1) and gifts of transportation, lodging, food or entertainment received from one source totaling $250 or more unless received as personal hospitality at the donor's personal or family residence; (2) other gifts received from one source totaling $100 or more in value; and (3) cash reimbursements of $250 or more received from one source. Exclude gifts and reimbursements received by your spouse that were given totally independent of their relationship to you. **Exclude** transportation, lodging, food and reimbursements from the U.S. Government. For (1) and (2), **exclude** gifts from relatives and **exclude** gifts of $35 or less when aggregating them for the total from one source. See instructions for further exclusions.

NONE ☐

S	Example	Source (Name and Address)	Brief Description	Value
	Example	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/83	$500
	Example	Nat'l Assn. of Rock Collectors, NY, NY	Leather briefcase for retiring president	$125
1				
2				
3		NA		
4				
5				
6				

PREVIOUS EDITION USABLE

278-102

SF 278 (Rev. 1/95)
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0741

Reporting Individual's Name

Guerra, Estella G.

Page Number	5	Schedule C

Part I
Liabilities

All Filers: Report liabilities over $10,000 owed to any one creditor at any time durir g the reporting period by you, your spouse or dependent child. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out, loans secured by automobiles, household furniture or appliances, and liabilities owed to relatives. See instructions for revolving charge accounts.

NONE ☐

		Creditor (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (X) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
S or DC	Examples	First District Bank, Washington, DC	Mortgage on rental property, Rehoboth Beach, Delaware	1981	13%	25 yrs.			X		
		John Jones, 123 J St., Washington, DC	Promissory note	1979	10%	or demand	X				
		Commonwealth Mortgage Corp., Houston, Texas	Mortgage on Rental Property, Houston Texas	1984	9%	10yr		x			
2		Guild Mortgage Corp., San Diego, Ca	Mortgage on Rental Property, Wash Condo D.C.	1987	10.25%	5yr		x			
3		Guild Mortgage Corp., San Diego, Ca	Mortgage on Rental Property Alex Va Condo	1987	10.25%	5yr			x		
4											
5											
6											

Part II
Agreements Or Arrangements

All Filers: Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

NONE ☒

	Status and Terms of any Agreement or Arrangement	Parties	Date (Mo., Yr.)
Example:	Pursuant to partnership agreement, will receive capital account & partnership share calculated on service performed through 11/83	Doe Jones & Smith, Home town, US	7/75 ptnership agmnt

SF 278 (Rev. 7-92)
FPM Chapter 735
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0.

Reporting Individual's Name	Page Number	Schedule
Guerra, Estella G.	6	D

Part I
Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Flock Collectors, NY, NY	Non-profit education	President	6/82	6/83
	Doe Jones & Smith, Hometown, USA	Law firm	Partner	7/78	11/83
	Mexican-American Cultural Center	Non-Profit	Director	10/85	Present
	Friends Of The Phillipines General Hospitals	Non-Profit	Advisory Board	11/86	Present

Part II
Compensation in Excess Of $5000 Paid by One Source

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☒

	Source (Name and Address)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, USA	Legal services
	Metro University (client of Doe Jones & Smith) Hometown, USA	Legal services in connection with university construction
	None	

PREVIOUS EDITION USABLE

278-109

UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Harriman (LAST) Constance (FIRST) (OTHER)

Position to which nominated: Asst. Sec. Fish & Wildlife & Parks Date of nomination: 6/6/89

Date of birth: 9 (DAY) 10 (MONTH) 48 (YEAR) Place of birth: Palo Alto, California

Marital status: Single Full name of spouse:

Name and ages of children

Education:

Institution	Dates attended	Degrees received	Dates of degrees
U.C.L.A.	9/77 - 6/80	J.D.	6/80
Stanford	9/71 - 12/72	M.A.	1/73
Stanford	9/65 - 1/70	B.A.	1/70

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

1. Associate, Steptoe & Johnson, Washington, D.C. - 2/89-present; 5/87-8/88
2. Volunteer - Presidential Transition, Washington, D.C. - 12/88-2/89
3. Deputy State Director - Victory '88, Calif. Republican Party, Los Angeles, Calif. - 8/88-11/88
4. Associate, Steptoe & Johnson, Washington, D.C. 5/87-8/88
5. Associate Solicitor, Special Asst. to Solicitor - DOI, Washington, D.C. - 9/85-4/87
6. Associate - Sheppard, Mullin, Richter & Hampton, Los Angeles, Calif. - 5/83-8/85; 6/80-11/81
7. Attorney Advisor - DOJ, Washington, D.C. - 11/81-10/82
8. Associate - Sheppard, Mullin, Richter & Hampton, Los Angeles, Calif. - 6/80-11/81
9. Law Clerk - Adams, Duque & Hazeltine, Los Angeles, Calif. - 6/79-8/79
10. Law Clerk - Johnson, Manfredi & Thorpe, Los Angeles, Calif. - 6/78-8/78

Employment record—Continued

11. Management Trainee - Wells Fargo Bank, Los Angeles, Calif. - 4/76-12/76
12. Teaching Associate - University of Calif.- Irvine, Irvine, Calif. - 9/74-6/75
13. College Administrator - Orange Coast College, Costa Mesa, Calif. - 1/73-9/74
14. Campus Liaison - Republican Associates, Los Angeles, Calif. - 6/70-12/70
15. Travel Counselor - Gibson Travel, Los Angeles, Calif. - 1/70-6/70

Military service: Describe any military service not listed above, including dates, rank, and type of discharge.

None.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Phi Beta Kappa

Dean's List, Stanford University

UCLA Law Review

Distinguished Invitee to Moot Court, UCLA

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Dates	Office held (if any)
American Bar Association	1/81 - present	
D.C. Bar	8/83 - present	
California Bar	12/80 - present	
Los Angeles County Bar	1/80 - 8/85	
Stanford Alumni Association	1/70 - present	
UCLA Alumni Association	1/80 - present	
Phi Beta Kappa	1/70 - present	
Junior League	12/86 - present	

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.

None.

Future employment relationships:

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Yes.

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

No.

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

No. No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

I have not been appointed for a fixed term.

Future employment relationships—Continued

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

No.

Financial statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None

3. Are you currently a party to any legal action? If so, describe its nature and status.

No.

4. Have you ever declared bankruptcy? If so, describe the circumstances.

No.

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

1988 Return has not yet been filed. I will be filing it as soon as possible.

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No.

Potential conflicts of interest:

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

I know of none.

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

1. Transactional and legislative advice to Nature Conservancy concerning proposed debt-for-nature swap.

2. Advice to Amoco Production Co. concerning an administrative rulemakin (MMPA regs re incidental taking).

3. Advice to Amoco Production Co. concerning administrative appeal procedure before the Department of Commerce (C2MA consistency appeal).

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

None.

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

Yes.

Potential conflicts of interest—Continued

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to this form and the attachments thereto. Attach a statement of the appropriate agency ethics official explaining the applicable laws or regulations, any potential conflicts, and the action required to resolve such conflicts.

The method I pursue to resolve any potential conflict of interest or the appearance of a conflict of interest will be based on the advice I receive from the Department of the Interior's Designated Agency Ethics *

6. Explain how you will resolve any potential conflicts of interest that may arise in the future if you are confirmed for the position for which you have been nominated.

In the event that I am confronted by a situation that may result in, or create the appearance of a conflict of interest, I shall report the situation to and seek the advice of the Department of the Interior's Designated Agency Ethics Official.

Public disclosure: Do you have any objections to this form and the attachments thereto being made public?

No.

* 5. (cont.) Official. Attached is a copy of the Designated Agency Ethics Official's opinion letter to the Office of Government Ethics concerning my reported financial interests.

AFFIDAVIT

District of Columbia

I, Constance B. Harriman, being duly sworn, hereby state that I have read the foregoing Statement for Completion by Presidential Nominees, including all attachments thereto, and that the information provided therein is, to the best of my knowledge and belief, current, accurate, and complete.

Constance B. Harriman
(Signature of Nominee)

Subscribed and sworn to before me this 23 day of June, 19 89

Elizabeth J. Sherwood
Notary Public

My Commission Expires March 31, 1992

Form approved by the Committee February 5, 1985.

U.S. GOVERNMENT PRINTING OFFICE: 1987—67-074

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 8 1989

Honorable Frank Q. Nebeker
Director, Office of Government Ethics
Office of Personnel Management
P.O. Box 14108
Washington D.C. 20044

Dear Judge Nebeker:

The enclosed financial disclosure report filed by Constance Harriman for the position of Assistant Secretary for Fish and Wildlife and Parks, has been reviewed in compliance with 5 CFR 734.604(a). In addition to the standard conflict of interest prohibitions contained in 18 U.S.C. 201 - 209 and Executive Order 12674, the Assistant Secretary for Fish and Wildlife and Parks is also subject to five statutory prohibitions that apply to employees in our Department. These statutory prohibitions are: 18 U.S.C. 437; 30 U.S.C. 6; 30 U.S.C. 1211(f); 43 U.S.C. 11 and 43 U.S.C. 31(a). Except for 30 U.S.C. 1211(f), the provisions of each of these statutes are extended to the Assistant Secretary for Fish and Wildlife and Parks by Department of the Interior regulations in 43 CFR Part 20.735.

Ms. Harriman holds a partnership interest in the C & K Drilling Fund. The Fund's predominate interests are focused on oil and gas drilling operations and services. The Fund also holds an interest in two Federal leases involving small quantities of Federal land. Under Department rules, if an interest in C & K Drilling Fund is prohibited to Bureau of Land Management or to U.S. Geological Survey employees under the organic act prohibitions in 43 U.S.C. 11 or 43 U.S.C. 31(a), then it would also be a prohibited holding for the Assistant Secretary for Fish and Wildlife and Parks.

The Bureau of Land Management and the U.S. Geological Survey have advised us that under their organic act prohibitions, the C & K Drilling Fund is not considered a prohibited financial interest for their employees.

Upon confirmation as Assistant Secretary for Fish and Wildlife and Parks, Ms. Harriman will resign her associate position with the law firm of Steptoe and Johnson. Ms. Harriman is not enrolled in any pension plan with this law firm and she will not receive any severence pay upon resignation from the law firm.

Upon confirmation as Assistant Secretary for Fish and Wildlife and Parks, Ms. Harriman has agreed to recuse herself for one year from becoming involved in official matters dealing with her prior employers and business clients. This action will be taken to avoid any appearance that Ms. Harriman is giving preferential treatment to her former employers or business clients.

Based on our review of the information provided, I have determined and certified that Ms. Harriman is in compliance with the ethics statutes and regulations which apply to the Assistant Secretary for Fish and Wildlife and Parks. Should you have any questions concerning the report submitted by Ms. Harriman, please call Gabriele J. Paone or Mason Tsai on 343-5916.

Thank you.

Sincerely,

Gabriele J. Paone

for Charles E. Kay
Principal Deputy Assistant Secretary -
Policy, Budget & Administration and
Designated Agency Ethics Official

Enclosure

JUN 7 1989

Honorable Frank Q. Nebeker
Director, Office of Government Ethics
Office of Personnel Management
P.O. Box 14108
Washington D.C. 20044

Dear Judge Nebeker:

This letter will document the actions I intend to take to prevent any actual or apparent conflict of interest under the statutes and regulations that will apply to me as Assistant Secretary for Fish and Wildlife and Parks.

Upon confirmation as Assistant Secretary for Fish and Wildlife and Parks for the Department of the Interior, I will recuse myself for one year from becoming involved in official matters dealing with my prior employers or clients. The prior employers and clients include:

(1) Law firm of Steptoe and Johnson
(2) Burlington Northern, Inc.
(3) Burlington Northern Railroad Company
(4) Motorola Company
(5) Amoco Production Company
(6) The Nature Conservancy

This recusal includes matters in which I participated on behalf of the firm, but it does not extend to policy matters or legislation in which the law firm or clients of the firm are interested or in which they may provide comments.

I have been advised by the Department of the Interior Deputy Agency Ethics and Audit Coordination Official that all of the other financial interests and associations reported on my Financial Disclosure Report are in full compliance with the statutes and regulations that will be applicable to me as Assistant Secretary for Fish and Wildlife and Parks.

Sincerely,

Constance B. Harriman

Constance Harriman

SF 278 (Rev. 1/87)
FPM Chapter 734
U.S. Office of Personnel Management

Financial Disclosure Report

Form Approved
OMB No. 3209-0002

Reporting Status *(Check Appropriate Box)*		Agency Use Only	OGE Use Only	Date of Appointment, Candidacy, Election or Nomination *(Mo., Day, Yr.)*	Termination Date *(If Applicable)* *(Month, Day, Year)*
☐ Incumbent	☒ New Entrant, Nominee, or Candidate ☐ Termination Filer	★			
Reporting Individual's Name	Last Name: Harriman	First Name and Middle Initial: Constance B.			
Position for Which Filing	Title of Position: Asst. Secretary, Fish & Wildlife & Parks	Department or Agency *(If Applicable)*: Department of Interior			
Location of Present Office	Address *(Number, Street, City, State and ZIP Code)*: 1330 Connecticut Ave., N.W. Washington, D.C. 20036		Telephone No. *(Include Area Code)*: (202) 429-6498		
Position(s) Held With the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held				

	Name of Congressional Committee Considering Nomination	Do You Intend to Create a Qualified Diversified Trust?
Presidential Nominees Subject to Senate Confirmation	1. Senate Energy & Resources 2. Senate Environ. & Pub. Wks	☐ Yes ☒ No

Certification	Signature of Reporting Individual	Date *(Month, Day, Year)*
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	[signature]	4/26/89
Other Review (If desired by agency)	Signature of Other Reviewer	Date *(Month, Day, Year)*
Agency Ethics Official's Opinion	Signature of Designated Agency Ethics Official/Reviewing Official	Date *(Month, Day, Year)*
The information contained in this report discloses no conflict of interest under applicable laws and regulations.	[signature] Gabriele J. Paone, Deputy Agency Ethics Official	JUN 8 1989
Office of Government Ethics Use Only	Signature	Date *(Month, Day, Year)*

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if comments are continued on the reverse side) ☐

Reporting Periods

Incumbents: Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

Termination Filers: Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

Nominees, New Entrants and Candidates for President and Vice President: Complete Schedules A (except for BLOCK D), C, and D. (Candidates do not file Part II of Schedule D.

- **Schedule A**—The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I** (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II** (Agreements and Arrangements)—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding **two** calendar years and the current calendar year up to the date of filing.

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278 110

NSN 7540-01-070-4444

SF 278 (Rev. 1/87)
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0001

Reporting Individual's Name		Page Number		
Constance B. Harriman	**Assets and Income**	2	Schedule A	

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the **actual amount** of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

	BLOCK A Assets & Income Sources	BLOCK B Valuation of Assets							BLOCK C Income																BLOCK D Transactions Test	
	Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐	Category of Value (X)							Type of Income (X)							Category of Amount of Income (X)									Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	If yes, complete Schd. B Part I for those assets including those sold for a loss	
		None (or less than $1001)	$1,001 $5,000	$5,001 $15,000	$15,001 $50,000	$50,001 $100,000	$100,001 $250,000	Over $250,000	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify Type)	None (or less than $101)	$101 $1,000	$1,001 $2,500	$2,501 $5,000	$5,001 $15,000	$15,001 $50,000	$50,001 $100,000	Over $100,000			YES	NO
S or DC	Examples: X Y Z Common				X				X									X							--		X	
	Examples: Doe Jones & Smith, Hometown, USA			X											ptnrship income										$50,000			
1	Steptoe & Johnson	X													salary						1988+1989				$88,000			
2	Calif. Republican Party	X													salary						1988				5,667			
3	Vanguard Prime Plus Money Market				X				X												1988+1989				1,987			
4	(IRA) Vanguard Prime Plus Money Market				X				X												1988+1989				550			
5	Morgan Stanley Daily Income Fund				X				X												1988+1989				2,622			
6	20th Century Growth Stock Fund			X					X												1988+1989				200			
7	Xerox - Common	X																			1988+1989				20			
8	401(k) plan - Union Nat'l Bank of W. Va.		X																		1988+1989				3,500			
9	C&K Drilling Funds		X												ptnrship income						1988+1989				100			
10	New York Reserve Money Market Fund			X	(sold 1988)				X												1988				609			

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278.210

Reporting Individual's Name: Constance B. Harriman

Assets and Income

Page Number: 3

Schedule A

Full Filers: In BLOCK A report (a) the identity of each asset held for the production of income as the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes stocks, bonds, real property, mutual fund pensions, IRA accounts, assets of private trusts, commodities futures, personal trusts, and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange, during the reporting period, any item for a value that exceeds $1000?

	BLOCK A: Assets & Income Sources	BLOCK B: Valuation of Assets								BLOCK C: Income														BLOCK D: Transactions	
	Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐	Category of Value (X)								Type of Income (X)							Category of Amount of Income (X)								Actual Amount Only if "Other" Specified	Date (e.g., Day, Yr.) Only if Honoraria	If yes, complete Schd. B Part I for those assets including those sold for a loss.	
		None (or less than $1001)	$1,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000			Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify Type)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000			YES	NO
	Example: X Y Z Common			X						X									X						$80,000			X
DC	Example: Doe Jones & Smith, Hometown, USA		X													partnership income												
1	Mutual Shares Stock Fund				X	(sold 1988)		X				X									1988				$1,126			
2	Mutual Qualified Stock Fund (IRA)				X	(sold 1988)		X				X									1988				565			
	USAA Cornerstone Stock Fund			X	(sold 1988)							X					X				1988							
4	Vanguard Long Term Mutual Bond Fund		X	(sold 1988)							X						X				1988							
5	GTE Common			X	(sold 1988)			X				X									1988				1,624			
6	Immunex Common		X	(sold 1988)				X				X									1988				273			
7	IMS Intl. Common		X	(sold 1988)				X				X									1988				5,412			
8	Acuson Common		X	(sold 1988)				X				X									1988				3,937			
9																												
10																												

SF 278 (Rev. 1/87)
FPM Chapter 735
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0001

Reporting Individual's Name	Page Number	Schedule
Constance B. Harriman	4	B

Part I
Transactions

Incumbents and Termination Filers only: Report any purchase, sale or exchange by you, your spouse or dependent child during the reporting period of any real property, stocks, bonds, commodities futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction between you, your spouse or your dependent child.

NONE ☐

S or DC	Example	Identification of Assets	Type of Transaction (X)				Amount of Transaction (X)						
			Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
		X Y Z Common	X			2/1/83			X			
1		Nominee does not need to fill this out.										
2												
3												
4												
5												
6												

Part II
Gifts, Reimbursements and Travel Expenses

Incumbents and Termination Filers only:
Report the source, a brief description and the value of: (1) in-kind gifts of transportation, lodging, food or entertainment received from one source totaling $250 or more unless received as personal hospitality at the donor's personal or family residence; (2) other gifts received from one source totaling $100 or more in value; and (3) cash reimbursements of $250 or more received from one source. Exclude gifts and reimbursements received by your spouse that were given totally independent of their relationship to you. **Exclude** transportation, lodging, food and reimbursements from the U.S. Government. For (1) and (2), **exclude** gifts from relatives and **exclude** gifts of $35 or less when aggregating them for the total from one source. See instructions for further exclusions.

NONE ☐

	Example	Source (Name and Address)	Brief Description	Value
		Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/83	$500
		Nat'l Assn. of Rock Collectors, NY, NY	Leather briefcase for retiring president	$125
1		Nominee does not need to fill this out.	Nominee does not need to fill this out.	
2				
3				
4				
5				
6				

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278-108

SF 278 (Rev. 1/87)
Title Chapter 73
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0007

Reporting Individual's Name
Constance B. Harriman

Page Number	5	Schedule C

Part I
Liabilities

All Filers: Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse or dependent child. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out, loans secured by automobiles, household furniture or appliances, and liabilities owed to relatives. See instructions for revolving charge accounts.

NONE [X]

		Creditor (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (X) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
S or DC	Example	First District Bank, Washington, DC	Mortgage on rental property, Rehoboth Beach, Delaware	1981	13%	25 yrs.			X		
		John Jones, 123 J St., Washington, DC	Promissory note	1979	10%	on demand	X				
1		None.									
2											
3											
4											
5											
6											

Part II
Agreements Or Arrangements

All Filers: Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

NONE [X]

	Status and Terms of any Agreement or Arrangement	Parties	Date (Mo., Yr.)
Example	Pursuant to partnership agreement, will receive capital account & partnership share calculated on service performed through 11/83	Doe Jones & Smith, Home town, USA	7/75 ptnership agmnt
	None.		

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SF 278 (Rev. 1/87)
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-7

Reporting Individual's Name
Constance B. Harriman

Page Number	6	Schedule D

Part I
Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution.

Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples: Nat'l Assn. of Rock Collectors, NY, NY	Non profit education	President	6/82	6/83
Examples: Doe Jones & Smith, Hometown, USA	Law firm	Partner	7/76	11/83
Steptoe & Johnson, 1330 Connecticut Ave., N.W. Washington, D.C. 20036	Law Firm	Associate	4/87	8/88
California Republican Party, 1903 West Magnolia, Burbank, CA	Political Organization	Paid Volunteer Victory '88	8/88	11/88
Office of the President-Elect (Transition Team) 1825 Connecticut Ave., Washington, D.C.	Government Organization	Unpaid Volunteer	12/88	2/89
Steptoe & Johnson, 1330 Connecticut Ave., N.W. Washington, D.C. 20036	Law Firm	Associate	2/89	Present

Part II
Compensation in Excess Of $5000 Paid by One Source

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☐

Source (Name and Address)	Brief Description of Duties
Examples: Doe Jones & Smith, Hometown, USA	Legal services
Examples: Metro University (client of Doe Jones & Smith) Hometown, USA	Legal services in connection with university construction
Steptoe & Johnson	Legal Services as an Associate
California Republican Party	Deputy State Director, Victory '88
Burlington Northern, Inc./Burlington Northern Railroad Company	Antitrust Litigation
Motorola	Discovery in connection with U.S. Government investigation of government contracts procedures. (continued next page)

Reporting Individual's Name
Constance B. Harriman

Part I
Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/82	6/83
	Doe Jones & Smith, Hometown, USA	Law firm	Partner	7/78	11/83

Part II
Compensation In Excess Of $5000 Paid by One Source

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☐

	Source (Name and Address)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, USA	Legal services
	Metro University (client of Doe Jones & Smith) Hometown, USA	Legal services in connection with university construction
	Amoco Production Company	Advice concerning an administrative rulemaking at the Department of Interior and Department of Commerce; advice concerning administrative appeal procedures before the Department of Commerce.
	The Nature Conservancy	Transactional and legislative advice concerning proposed debt-for-nature swaps.

APPENDIX II

Responses to Additional Questions From the Nominees

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

JUL 14 1989

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find my answers to the questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

Please let me know if you need any additional information. I look forward to working with your Committee in the future.

Sincerely,

Martin L. Allday
Solicitor-Designate

Enclosures

cc: Honorable James A. McClure, Ranking Minority Member
Committee on Energy and Natural Resources
United States Senate

Solicitor-Designate

Senator Johnston

1. Question: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: As reported on the "Supplement to Standard Form 86," in 1944, several students, all under the age of 18, at Military School (Schreiner Institute in Kerrville, Texas), broke into a liquor store and took a dozen or so bottles of rum and wine for the purpose of drinking. The case was dismissed upon restitution being made by the parents of the students and the offense was handled through school discipline by "walking off demerits."

2. Question: Have you ever been convicted (including a plea of guilty or nolo contendre) of any criminal violation other than a minor traffic offense?

Answer: No.

3. Question: Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer: No.

4. Question: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

5. Question: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

Solicitor-Designate

Senator Johnston

6. Question: During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

Answer: No.

7. Question: Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

Answer: No.

8. Question: Were all your taxes (Federal, State, and local) current (filed and paid) as of the date of your nomination hearing? If not, please explain.

Answer: Yes.

9. Question: Have all your Federal, State, and local taxes always been paid on time? If not, please explain.

Answer: Yes.

10. Question: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: No.

11. Question: Please advise the Committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

Answer: None.

Solicitor-Designate

Senator Johnston

12. Question: What do you envision as your role at the Department?

Answer: I see my role as the attorney for the Secretary as both lawyer and counsellor. As lawyer, I will advise the Secretary of the legal options before him on any matter and the implications of each one. As counsellor, I will try to make certain that he is aware of the choices of policy before him.

As manager of the Office of Solicitor and some 363 employees, I will expect and require honesty, fairness, and integrity from each one. I will expect from each lawyer his or her best efforts in advising, representing and assisting the client bureaus to insure that all statutory obligations are met as well as the goals of Secretary Lujan and President Bush.

I also see my role as one beyond my responsibilities as a lawyer. More than anything else, I believe in integrity as the key to a satisfying life. I plan to lead with good humor and to inspire others to consider becoming "points of light" by encouraging community and civic involvement and by persuading them that any "successful" life must include serving others as the President has said.

13. Question: The Secretary of the Interior has notified Congress that the Department will not issue any patents to oil shale mining claims this calendar year. The history of these claims is long and controversial. Previous officials of the Department have stated that, in attempting to resolve this issue, "from the Department's perspective, the primary objective is to ensure that possessory and equitable rights of the claimants are acknowledged and protected."

- o What is your view of the Department's responsibilities in this area?

Answer: My view is that the Department of the Interior should carry out the intent of Congress in this area as embodied in the Mining Law of 1872 and other statutes and as interpreted by various court decisions relating to oil shale claims.

Solicitor-Designate

Senator Johnston

14. Question: What is your analysis of the Supreme Court's decision in a case concerning oil shale mining claims, Hickel v. Oil Shale Corp., 400 U.S. 48 (1970), regarding the Department's ability to challenge oil shale claims on the basis of annual assessment work?

Answer: I have been advised that this issue has a long and complex history. While I have not had the opportunity to conduct an analysis of the Supreme Court's decision in Hickel v. Oil Shale Corp., I expect to be involved in any legal analysis of oil shale regulations before they are promulgated by the Department.

15. Question: The Office of Surface Mining Reclamation and Enforcement (OSMRE) is instituting a plan to give more oversight duties under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to the states. This represents a substantial change in policy. I understand that this change is being implemented by guidance documents that are internal agency directives, and therefore, according to the Department, there is no requirement that the Department seek formal public comments. I am concerned that a policy of such magnitude can be implemented without formal public comment.

- What are the limits on the ability of the Department to make changes in policy by internal agency directive.

- Does the failure to provide public notice and seek public comment violate the Administrate Procedure Act?

Answer: As a general matter, the Administrative Procedure Act requires publication of substantive rules for public comment, but excepts from public procedures matters related to agency management and agency organization, procedure and practice. It is my understanding that the Secretary has asked that the oversight policy be further reviewed and that the Director-designate of the Office of Surface Mining, Reclamation and Enforcement will no doubt be giving this review high priority. I expect to work with him on any legal issues presented, including the question of the requirement, if any, for public participation.

Solicitor-Designate

Senator Bradley

1. Question: Your predecessor's opinion concerning wilderness water rights has been heavily criticized by legal scholars, the Congressional Research Service, environmental community and many members of Congress, including members of this Committee. The opinion raises serious concerns as to Interior's willingness to protect wilderness areas. The opinion also raises concern with respect to the Department's potential interpretation of the Wildlife Refuge System Administration Act and the Wild and Scenic Rivers Act. Moreover, the opinion could produce substantial new costs for the Interior Department and other branches of the government.

A. Will you commit to reconsider Solicitor Tarr's opinion in light of its controversial nature and the serious threat it poses to important federal interests?

Please answer the following questions if you support or will not commit to review Solicitor Tarr's wilderness water rights opinion.

B. If you will not commit to reconsider Solicitor Tarr's opinion, will you describe with specificity how you plan to advise the Department to protect water needed to sustain federal wilderness areas?

C. Under Solicitor Tarr's opinion, water in already established federal wilderness areas -- water vital to maintain those areas -- could be subject to appropriation by private parties. Do you support this result? Do you think this was Congress' intent?

D. Please explain what harm wilderness water rights pose to existing water right holders, given that wilderness rights would hold junior priority dates, are easily incorporated in the western system of prior appropriation and are subject to adjudication in state courts?

E. The Wild and Scenic Rivers Act and the National Wildlife Refuge System Administration Act contain the same language addressing water rights as does the Wilderness Act. In 1966, during Congressional consideration of the Rivers bill, the Department of the Interior provided Congress with its opinion on the effect of that key language, stating "The enactment of the bill is itself a reservation of the water needed to carry out its purposes." (112 Cong. Rec. 433). Do you support that interpretation? If you do, how do you

distinguish the intent of the Wild and Scenic Rivers Act from that of the Wilderness Act? How would you characterize Congressional intent on reserved water rights in the Wildlife Refuge Act?

Answer A:

If a specific legal question is raised by a client agency that requires a reexamination of part or all of that opinion, I will certainly undertake that review. I would note that the opinion was approved by the Department of Justice last year as stating the litigation position of the United States.

Answer B:

It is my understanding that, absent a reserved water right, the federal government acquires water for federal reservations and installations under state law. It is my expectation that the department would participate in state water rights adjudications, where appropriate, to seek water for wilderness areas.

It is also my understanding that many wilderness areas are designated upon areas which have federal reserved water rights, such as National Parks and National Forests. These wilderness areas benefit from the water rights reserved for the underlying areas.

Finally, to the extent that Congress specifies in future legislation establishing wilderness areas whether or not water rights are being reserved, controversy will be averted.

Answer C:

It is my understanding that, absent a reserved water right for a federal reservation, the United States stands in the same position as other water users with regard to water; that is, the United States must acquire necessary water by appropriation under state law. Once acquired, these state water rights would not be subject to later appropriation by private parties for consumptive upstream uses.

Answer D:

I am advised that, under the doctrine of federal reserved water rights, a court implies a Congressional intent to reserve water dating from the time a reservation enjoying the right is created. Reserved water rights may restrict exchange of earlier acquired rights and the acquisition of new upstream consumptive uses, such as water for municipal purposes. Moreover, the doctrine of reserved water rights represents an exception to the western states' system of prior appropriation which is based upon the concept that a first use affords the user the first right to water. Reserved water rights are adjudicated in state general

stream adjudications; however, the state court must apply federal law applicable to reserved water rights, another exception to a state water system.

Answer E:

I have not had occasion to examine the Wild and Scenic Rivers Act and the National Wildlife System Administration Act. Thus, I am not in a position to address whether I concur with the 1966 Interior statement. The Solicitor's opinion cautioned, however, against interpreting the language you have referred to in the same manner for different statutes with different legislative histories and purposes. I have no reason to believe that the reasoning of the opinion does not adequately distinguish the three statutes. However, when a specific case or request from the client requires it, I will review the Wild and Scenic Rivers Act and the National Wildlife System Administration Act to determine whether Congress, in those statutes, intended to reserve water rights.

Solicitor-Designate

Senator Bradley

2. Question: The Bureau of Reclamation has begun renewing 40-year water supply contracts with growers in the California Central Valley Project. Solicitor Tarr issued an opinion last year concluding that the Bureau had no obligation to conduct environmental analyses under the National Environmental Policy Act prior to renewing the contracts. On June 30, the President's Council on Environmental Quality issued an opinion which concluded that Solicitor Tarr had misinterpreted the Department's responsibilities under NEPA. According to the CEQ, Interior must prepare environmental impact statements prior to renewing the water supply contracts. So far, Interior has not said whether it will accept or reject the CEQ ruling.

A. On the basis of your understanding of NEPA law, which opinion -- Tarr's or CEQ's -- do you think is correct?

B. What should the Department do in response to the CEQ opinion?

C. Even if, for the sake of discussion, one accepts as correct Mr. Tarr's opinion, do you think the Department of the Interior has discretion to use NEPA as a planning tool in the case of the water contract renewals?

Answer A:

I have not reviewed either of the opinions in detail; thus, it would be premature for me to address the correctness of either opinion.

Answer B:

I understand that the Department is now evaluating that very question. It is, however, a question that requires policy and legal analysis. It would therefore be premature for me to speculate on what the Department should do. Further, because this matter is currently in litigation, it would be inappropriate for me to comment further.

Answer C:

Agencies have broad discretion under CEQ regulations to conduct environmental reviews as planning tools.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

JUL 14 1989

Honorable J. Bennett Johnston
United States Senate
Washington, D.C. 20510

Dear Senator Johnston:

You will find enclosed my responses to your questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

If I can be of further assistance to you, please let me know.

Sincerely,

Martin L. Allday
Solicitor-Designate

Enclosures

Solicitor-Designate

Senator Johnston

1. Question: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: As reported on the "Supplement to Standard Form 86," in 1944, several students, all under the age of 18, at Military School (Schreiner Institute in Kerrville, Texas), broke into a liquor store and took a dozen or so bottles of rum and wine for the purpose of drinking. The case was dismissed upon restitution being made by the parents of the students and the offense was handled through school discipline by "walking off demerits."

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Solicitor-Designate

Senator Johnston

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Answer: Yes.

10. Question: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: No.

11. Question: Please advise the Committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

Answer: None.

Senator Johnston

12. Question: What do you envision as your role at the Department?

Answer: I see my role as the attorney for the Secretary as both lawyer and counsellor. As lawyer, I will advise the Secretary of the legal options before him on any matter and the implications of each one. As counsellor, I will try to make certain that he is aware of the choices of policy before him.

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- o What is your view of the Department's responsibilities in this area?

Answer: My view is that the Department of the Interior should carry out the intent of Congress in this area as embodied in the Mining Law of 1872 and other statutes and as interpreted by various court decisions relating to oil shale claims.

Solicitor-Designate

Senator Johnston

14. Question: What is your analysis of the Supreme Court's decision in a case concerning oil shale mining claims, Hickel v. Oil Shale Corp., 400 U.S. 48 (1970), regarding the Department's ability to challenge oil shale claims on the basis of annual assessment work?

Answer: I have been advised that this issue has a long and complex history. While I have not had the opportunity to conduct an analysis of the Supreme Court's decision in Hickel v. Oil Shale Corp., I expect to be involved in any legal analysis of oil shale regulations before they are promulgated by the Department.

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- Does the failure to provide public notice and seek public comment violate the Administrate Procedure Act?

Answer: As a general matter, the Administrative Procedure Act requires publication of substantive rules for public comment, but excepts from public procedures matters related to agency management and agency organization, procedure and practice. It is my understanding that the Secretary has asked that the oversight policy be further reviewed and that the Director-designate of the Office of Surface Mining, Reclamation and Enforcement will no doubt be giving this review high priority. I expect to work with him on any legal issues presented, including the question of the requirement, if any, for public participation.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

JUL 14 1989

Honorable Bill Bradley
United States Senate
Washington, D.C. 20510

Dear Senator Bradley:

You will find enclosed my responses to your questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

If I can be of further assistance to you, please let me know.

Sincerely,

Martin L. Allday
Solicitor-Designate

Enclosures

Senator Bradley

1. Question: Your predecessor's opinion concerning wilderness water rights has been heavily criticized by legal scholars, the Congressional Research Service, environmental community and many members of Congress, including members of this Committee. The opinion raises serious concerns as to Interior's willingness to protect wilderness areas. The opinion also raises concern with respect to the Department's potential interpretation of the Wildlife Refuge System Administration Act and the Wild and Scenic Rivers Act. Moreover, the opinion could produce substantial new costs for the Interior Department and other branches of the government.

A. Will you commit to reconsider Solicitor Tarr's opinion in light of its controversial nature and the serious threat it poses to important federal interests?

Please answer the following questions if you support or will not commit to review Solicitor Tarr's wilderness water rights opinion.

B. If you will not commit to reconsider Solicitor Tarr's opinion, will you describe with specificity how you plan to advise the Department to protect water needed to sustain federal wilderness areas?

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distinguish the intent of the Wild and Scenic Rivers Act from that of the Wilderness Act? How would you characterize Congressional intent on reserved water rights in the Wildlife Refuge Act?

Answer A:

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Answer B:

It is my understanding that, absent a reserved water right, the federal government acquires water for federal reservations and installations under state law. It is my expectation that the department would participate in state water rights adjudications, where appropriate, to seek water for wilderness areas.

It is also my understanding that many wilderness areas are designated upon areas which have federal reserved water rights, such as National Parks and National Forests. These wilderness areas benefit from the water rights reserved for the underlying areas.

Finally, to the extent that Congress specifies in future legislation establishing wilderness areas whether or not water rights are being reserved, controversy will be averted.

Answer C:

It is my understanding that, absent a reserved water right for a federal reservation, the United States stands in the same position as other water users with regard to water; that is, the United States must acquire necessary water by appropriation under state law. Once acquired, these state water rights would not be subject to later appropriation by private parties for consumptive upstream uses.

Answer D:

I am advised that, under the doctrine of federal reserved water rights, a court implies a Congressional intent to reserve water dating from the time a reservation enjoying the right is created. Reserved water rights may restrict exchange of earlier acquired rights and the acquisition of new upstream consumptive uses, such as water for municipal purposes. Moreover, the doctrine of reserved water rights represents an exception to the western states' system of prior appropriation which is based upon the concept that a first use affords the user the first right to water. Reserved water rights are adjudicated in state general

stream adjudications; however, the state court must apply federal law applicable to reserved water rights, another exception to a state water system.

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Senator Bradley

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A. On the basis of your understanding of NEPA law, which opinion -- Tarr's or CEQ's -- do you think is correct?

B. What should the Department do in response to the CEQ opinion?

C. Even if, for the sake of discussion, one accepts as correct Mr. Tarr's opinion, do you think the Department of the Interior has discretion to use NEPA as a planning tool in the case of the water contract renewals?

Answer A:

I have not reviewed either of the opinions in detail; thus, it would be premature for me to address the correctness of either opinion.

Answer B:

I understand that the Department is now evaluating that very question. It is, however, a question that requires policy and legal analysis. It would therefore be premature for me to speculate on what the Department should do. Further, because this matter is currently in litigation, it would be inappropriate for me to comment further.

Answer C:

Agencies have broad discretion under CEQ regulations to conduct environmental reviews as planning tools.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

JUL 19 1989

Honorable James A. McClure
United States Senate
Washington, D.C. 20510

Dear Senator McClure:

Enclosed you will find my responses to your additional questions concerning Indian water rights following my confirmation hearing on July 12 before the Senate Committee Energy and Natural Resources.

If I can be of any further assistance, please let me know. I look forward to working with you if I am confirmed as Solicitor.

Sincerely,

Martin L. Allday
Solicitor-Designate

Enclosures

cc: Honorable J. Bennett Johnston, Chairman
Committee on Energy and Natural Resources
United States Senate

21-587 0 - 89 - 6

Solicitor-Designate

Senator McClure Additional Questions

1. Question: In your response to my question #5 of July 18, 1989, you state "I am etc." It was not clear in this response that you recognized that Congress in the Colorado Ute settlement did not authorize the transfer of an Indian reserved water right but consented to the agreement among the State, the Tribe, and private interests that the State would grant a state water right fully subject to state law, including the ability under Colorado law to market the right subject to the same restriction that any non-Indian non-federal holder of a Colorado state would have. In the Papago Settlement legislation, the Tohono O'odham were granted very limited authority to market water conveyed through a federal project off-reservation to a limited class within the State of Arizona, with a specific disclaimer as to the general authority with respect to off-reservation use or sale of reserved water rights.

Given this background, I would ask again:

> Do you agree that Indian reserved water rights are appurtenant to the land from which they are derived?

Answer: I have not been involved as an attorney in the legal issue underlying your question. All of your questions and the past debate on this issue of which I am aware, however, make it obvious to me that it is a matter of great importance. As an attorney, I am not prone to giving quick or off-the-cuff personal opinions on issues of great importance, and I know that the Committee would want me as Solicitor of this Department to give advice or opinions on such matters only after the most careful personal scrutiny based on the most thorough research. Rest assured that I am fully sensitized to your concern over Indian water marketing and the significance of the issue. I am more than willing to visit with you and your staff to discuss your concerns and observations. I will consider this matter with an open mind and no preconceived bias.

As you note, the Papago and Colorado Ute legislation represent specific formulas for settlement of specific cases and do not constitute general Congressional authorization for marketing of reserved water rights. I did not intend by my previous answer to indicate otherwise.

Solicitor-Designate

Senator McClure Additional Questions

2. Question: Would you agree that Indian reserved water rights, as appurtenant to the land withdrawn and defined by the purposes of the reservation, cannot be severed from the land and the purposes which support their existence? And that current case law would not support any assertion that such rights could be freely marketed apart from the appurtenant land and the purposes other than those for which they were created?

Answer: Again I emphasize that I will carefully consider these issues with an open mind and no preconceived bias. As noted above, I have not been involved as an attorney in such matters. Also, I reiterate that my standards as an attorney require that I carefully study the law governing this issue. I will look forward to doing so and discussing the law with you and your staff. I have been informed that there is no current case law that directly establishes that Indian reserved water rights can be freely marketed.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

JUL 14 1989

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed you will find my responses to the questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

If I can be of further assistance to you, please let me know. I look forward to working with you and your colleagues in the coming months.

Sincerely,

Lou Gallegos
Assistant Secretary for Policy, Budget
and Administration-Designate

Enclosures

cc: Honorable James A. McClure, Ranking Minority Member
Committee on Energy and Natural Resources
United States Senate

Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Johnston

1. Question: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: No.

2. Question: Have you ever been convicted (including a plea of guilty or nolo contendre) of any criminal violation other than a minor traffic offense?

Answer: No.

3. Question: Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer: No.

4. Question: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

5. Question: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or any entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Johnston

6. Question: During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

Answer: No.

7. Question: Have you or your spouse ever registered under the foreign Agents Registration Act? If so, please furnish details.

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Answer: Yes.

9. Question: Have all your Federal, State, and local taxes always been paid on time? If not, please explain.

Answer: Yes.

10. Question: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: No.

11. Question: Please advise the Committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

Answer: I can think of no further information of which the Committee would want to be aware in considering my nomination.

Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Johnston

12. Question: As Assistant Secretary you will have responsibility for the personnel policies in the Department.

- What is your view of the role of career civil servants in developing and executing Department programs?

Answer: As a former career civil servant with the Federal Government, I have a deep and abiding respect for career employees and a keen appreciation for the high degree of professionalism and expertise reflected in the career service. I was very impressed with the fact that within his first week of office President Bush called a meeting with the members of the Senior Executive Service to express the importance of the role they play in the management of the Federal Government. Based upon my experience as a career civil servant and my experience in the Excepted Service as State Director of the Farmers Home Administration in the State of New Mexico, I am convinced that if program initiatives, policies, etc. are to be developed and implemented in an effective and efficient manner, it is critical that career employees have input in the process. If confirmed as Assistant Secretary - Policy, Budget and Administration for the Department of the Interior, it is my intent to involve career employees to the maximum extent possible in the development of programs and policies which affect them and in program directions mandated by President Bush and Secretary Lujan.

Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Johnston

13. Question: Please comment on the attached memorandum to all Committee members from the National Wildlife Federation.

I have never met Mr. Blanchard but it appears that the Department is depriving itself of the benefit of the knowledge and experience of a very valuable employee.

Answer: The Senior Executive Service, which was created by the Civil Service Reform Act, was intended by the law to be a mobile body both geographically and functionally. When Mr. Blanchard was reassigned from the Office of Environmental Project Review to the Fish and Wildlife Service, it was determined that the position of Director, Office of Environmental Project Review, would be filled through the competitive process which was publicly announced; 24 candidates competed for that position and a panel of career individuals reviewed the qualifications of all qualified promotion eligible applicants, identifying the best qualified. The names of these individuals were then submitted to the selecting official, also a career individual, along with the reassignment eligibles. The selecting official, in his judgment in looking at the future needs of the Department and the Office of Environmental Project Review, selected Mr. Deason, a current member of the Senior Executive Service, as the individual most likely to provide the necessary leadership and direction. The review board was not looking for technical expertise alone; they were looking for management and leadership capabilities as well. The top man of OEPR should be a leader and a manager. Mr. Deason is a highly educated, experienced manager whose previous assignments have involved environmental issues with Department-wide scope. He is highly regarded and respected throughout the Department.

Since its inception, one of the goals of the Senior Executive Service has been to provide program continuity in the management of public programs and provide for the continued development of highly competent senior executives. Mr. Deason was selected from a list of other qualified current members of the SES in accordance with Office of Personnel Management regulations which do not require that each applicant be interviewed when selecting from a list of reassignment eligibles. Because of Mr. Deason's exceptional reputation as an executive level manager, his overall knowledge of Departmental programs, and considering the current and future needs of the Department, he was the most logical candidate for the position.

Mr. Blanchard is now serving the Department as Deputy Director-Staff, U. S. Fish and Wildlife Service. In this capacity he is

Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Johnston

13. Continued

responsible for the formulation of a system encompassing the development, implementation and evaluation of a Service-wide policy and directives system. Other major areas of responsibility assigned to him include such important issues as hazardous waste disposal and clean-up and the impacts of the Clean Water Act and pollution control statutes on Service facilities. His experience gained as Director of OEPR in performing these duties is invaluable to the Service, as is evidenced by his recent contributions as the Department's representative on the National Response Team work group which prepared the report to the President on initial lessons learned as a result of the oil spill in Prince William Sound, Alaska.

It is important to note in both the selection of Mr. Deason and reassignment of Mr. Blanchard, that the Department has meticulously followed OPM regulations and has, in reviewing the present and future needs of the Department, exercised the management prerogative of, and conformed to, the letter and spirit of the Civil Service Reform Act, as it relates to Senior Executive Service selection and reassignment.

Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Wallop

1. Question: Mr. Gallegos, some of us who are closely watching the staffing decisions at the Department of Interior are concerned about how little influence Assistant Secretaries and Bureau Directors are having in chosing their top personnel. These presidential appointees must have the ability to hire a few key people they know and trust if Interior is to run efficiently.

I am aware, for example, that the Deputy Director of the National Park Service was selected prior to naming the Director. Isn't that backwards and contrary to sound personnel management?

How much discretion will other Bureau heads have in picking their top aides, especially their deputies, and special assistants?

Answer: Bureau heads will have wide latitude and discretion in picking top aides. However, as you know, this has been a particularly long transition and the Secretary has been attempting to ensure continuity while providing leadership. Currently the Department has, including the Secretary, only 4 out of 18 Presidential appointees confirmed. The Department would have been placed in an untenable situation if it had waited until each appointee was confirmed before making personnel decisions. It is possible some of the appointees will not be confirmed until September or October.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

JUL 14 1989

Honorable J. Bennett Johnston
United States Senate
Washington, D.C. 20510

Dear Senator Johnston:

Enclosed you will find my responses to your questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

If I can be of further assistance to you, please let me know.

Sincerely,

Lou Gallegos
Assistant Secretary for Policy, Budget
and Administration-Designate

Enclosures

Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Johnston

1. Question: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: No.

2. Question: Have you ever been convicted (including a plea of guilty or nolo contendre) of any criminal violation other than a minor traffic offense?

Answer: No.

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Answer: No.

4. Question: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

5. Question: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or any entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Johnston

6. Question: During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

Answer: No.

7. Question: Have you or your spouse ever registered under the foreign Agents Registration Act? If so, please furnish details.

Answer: No.

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Answer: Yes.

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Assistant Secretary-Designate,
Policy, Budget and Administration

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Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Johnston

13. Continued

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It is important to note in both the selection of Mr. Deason and reassignment of Mr. Blanchard, that the Department has meticulously followed OPM regulations and has, in reviewing the present and future needs of the Department, exercised the management prerogative of, and conformed to, the letter and spirit of the Civil Service Reform Act, as it relates to Senior Executive Service selection and reassignment.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

JUL 14 1989

Honorable Malcolm Wallop
United States Senate
Washington, D.C. 20510

Dear Senator Wallop:

Enclosed you will find my responses to your questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

If I can be of further assistance to you, please let me know.

Sincerely,

Lou Galleges
Assistant Secretary for Policy, Budget and Administration-Designate

Enclosures

Assistant Secretary-Designate,
Policy, Budget and Administration

Senator Wallop

1. Question: Mr. Gallegos, some of us who are closely watching the staffing decisions at the Department of Interior are concerned about how little influence Assistant Secretaries and Bureau Directors are having in chosing their top personnel. These presidential appointees must have the ability to hire a few key people they know and trust if Interior is to run efficiently.

I am aware, for example, that the Deputy Director of the National Park Service was selected prior to naming the Director. Isn't that backwards and contrary to sound personnel management?

How much discretion will other Bureau heads have in picking their top aides, especially their deputies, and special assistants?

Answer: Bureau heads will have wide latitude and discretion in picking top aides. However, as you know, this has been a particularly long transition and the Secretary has been attempting to ensure continuity while providing leadership. Currently the Department has, including the Secretary, only 4 out of 18 Presidential appointees confirmed. The Department would have been placed in an untenable situation if it had waited until each appointee was confirmed before making personnel decisions. It is possible some of the appointees will not be confirmed until September or October.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed you will find my responses to the questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

If I can be of further assistance to you, please let me know. I look forward to working with you and your colleagues in the coming months.

Sincerely,

Stella Guerra
Assistant Secretary for
Territories and International
Affairs-Designate

Enclosures

cc: Honorable James A. McClure, Ranking Minority Member
Committee on Energy and Natural Resources
United States Senate

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Honorable J. Bennett Johnston
United States Senate
Washington, D.C. 20510

Dear Senator Johnston:

Enclosed you will find my responses to your questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

If I can be of further assistance to you, please let me know.

Sincerely,

Stella Guerra
Assistant Secretary for
Territories and International
Affairs-Designate

Enclosures

Assistant Secretary - Designate
Territorial and International Affairs

Senator Johnston

1. Question: Have you ever been investigated, arrested, charged or held by any Federal State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, please explain.

Answer: No.

2. Question: Have you ever been convicted (including a plea of guilty or nolo contendre) of any criminal violation other than a minor traffic offense?

Answer: No.

3. Question: Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group. If so, provide details.

Answer: No.

4. Question: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

5. Question: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of you or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such a relationship.

Answer: I have not had any such relationship.

Assistant Secretary - Designate
Territorial and International Affairs

Senator Johnston

6. Question: During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government, or an entity controlled by a foreign government? If so, please furnish details.

Answer: No.

7. Question: Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

Answer: No.

8. Question: Were all your taxes (Federal, State, and local current (filed and paid) as of the date of your nomination hearing? If not, please explain.

Answer: Yes

9. Question: Have all your Federal, State, and local taxes always been paid on time? If not, please explain.

Answer: Yes.

10. Question: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: No.

11. Question: Please advise the Committee of any additional information favorable or unfavorable, which you think the Comittee would want to be aware of in considering your nomination.

Answer: I am unaware of any such information.

Assistant Secretary - Designate
Territorial and International Affairs

Senator Johnston

12. Question: In the last Congress, and again in the 101st Congress, legislation has been introduced to establish Guam as a Commonwealth of the United States. The Administration was asked last year to provide its views on the bill. These views were expected to be available by the end of June (Two weeks ago). What is the new date by which these views are to be made available to Congress?

Answer: I am advised by the Department that the Federal Interagency Task Force Report is under final review and clearance with the Administration. It should be submitted to Congress shortly.

13. Question: On May 10, I sent a letter to Secretary Lujan requesting the Department's views on S. 780, legislation to provide for the disposition of excess Federal land located on Guam. When can I expect those views to be made available?

Answer: I am advised the Department of the Interior places high priority on the disposition of excess Federal land on Guam. However, concern within the executive branch has been expressed regarding the proper bill language for accomplishing the transfer. In an effort to resolve these concerns, Interior officials are working on the issue directly with the original drafter of the legislation, Congressman Ben Blaz of Guam, and officials of the Department of the Defense. The Department's views will be sent to you as soon as possible.

Assistant Secretary - Designate
Territorial and International Affairs

Senator Johnston

14. Question: As I stated to Secretary Lujan During his nomination hearing, there is considerable concern regarding the operation of the Office of Territorial and International Affairs, and he agreed with me that if there was a consensus to move the Office out of the Department, then he would support that policy.

What is the status of the Secretary's review of the Office of Territorial and International Affairs?

Answer: I am informed that Secretary Lujan assigned the responsibility to begin the review to his Counselor, Timothy W. Glidden. His review is currently in progess and, if confirmed, I will work with Mr. Glidden and the Secretary and consult with the appropriate committees of the Congress in completing this review.

Question: Do you have any views as to how the Office could be reorganized to make it a more effective operation, and make it responsive to the changing role of the Federal Government in the territories?

Answer: I have not yet had the opportunity to observe the day-to-day operations of OTIA. Therefore, it would be premature for me to make any recommendations at this point. The Secretary, however, very early in our discussions made me aware of his personal commitment to address the concerns of the committee, and of his own desire to strengthen the federal-insular relationship.

15. Question: Do you see yourself, if confirmed, as a facilitator working closely with Congress and the territorial governors?

Answer: Definitely. Upon confirmation, I intend to concentrate my initial effort on placing greater emphasis on the advocacy role of the office and to improve the level of communication and consultation with Congress, federal agencies, and the insular governments, particularly at policy levels.

Assistant Secretary - Designate
Territorial and International Affairs

Senator Johnston

16. Question: Recently, the Governor of Guam asked the Department to send representatives to Guam to discuss the Guam Commonwealth Act. The Department refused. Do you know the reason for this?

Answer: I am advised that the Federal Interagency Task Force on the Guam Commonwealth legislation was created in June 1988 and Secretary Lujan committed the Department to a timely submission of the Task Force Report by June 30 as requested by Members of Congress. I am told that several invitations were issued by the Chairman of the Task Force to meet with members of the Guam Commission on Self-determination. I understand that efforts were also made to meet with Commission members during their presence in Washington for the April Appropriations hearings. The Commission itself chose to be represented at Task Force meetings by its Washington legal counsel.

In addition, I am told that several efforts were made by the Task Force to obtain written responses to questions raised by their review of the legislation. Despite repeated requests in meetings with Guam's legal counsel, no responses were forthcoming from the Commission.

The request from Governor Ada, as Chairman of the Commission on Self-determination, for a meeting in Guam with representatives of the 24 Federal department and agencies, however, also indicated that the Commission was not prepared to accept any revision of the bill or address any of the federal concerns raised with their legal counsel. I am informed the Chairman of the Task Force felt the trip would not be timely given the conditions and resulting delay in submission of the Administration's report to Congress.

Assistant Secretary - Designate
Territorial and International Affairs

Senator Johnston

17. Question: Recently, the Department announced its plans to hold a conference on Pacific policy and it invited Members of the Congress and their staff to come as observers. Were any representatives invited to be actual participants in the Conference, and if not, why not?

Answer: It is my understanding that Title III of Public Law 99-239 mandates submission of a policy report by the Administration to the Congress. Further, I understand that section 303 of the Act requires a conference and provides clear guidance on those who shall participate.

18. Question: What do you see as the three top priority territorial issues you will have to deal with if you become Assistant Secretary? What do you intend to do about them?

Answer: I am of the opinion that the top three priority issues are 1) reorganization or restructuring of OTIA to strengthen the federal/insular relationship; 2) development of an Administration insular policy: and 3) agreement with Guam and the Congress on the provisions of commonwealth status.

If confirmed, I will work with the Secretary and consult with the appropriate committees of the Congress in addressing the issue of the administrative structure of OTIA. I will support the Secretary's effort for early development of the Administration's insular policy report to the Congress, and I am committed to work both with Guam and the Congress on the commonwealth issue.

As I said in my formal statement to the Committee, I intend to concentrate my initial effort on the advocacy role of the office and improving the level of communication and consultation among federal agencies, the Congress, and the insular governments. This effort will contribute directly to the three priority issues identified above.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

JUL 17 1989

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for the opportunity to appear before the Senate Energy Committee. I am enclosing my responses to questions asked during the hearing by several Senators as well as questions submitted for the record following my confirmation hearing on July 12.

Please let me know if I can be of any further assistance. I look forward to working with you and your Committee in the coming months.

Sincerely,

Constance B. Harriman

Constance B. Harriman
Assistant Secretary for Fish,
Wildlife and Parks-Designate

Enclosures

cc: Honorable James A. McClure, Ranking Minority Member
Committee on Energy and Natural Resources
United States Senate

Assistant Secretary for Fish and Wildlife and Parks - Designate

Senator Johnston

1. Question: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: No.

2. Question: Have you ever been convicted (including a plea of quilty or nolo contendre) of any criminal violation other than a minor traffic offense?

Answer: No.

3. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer: No.

4. Question: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

5. Question: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Johnston

6. Question: During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

Answer: No.

7. Question: Have you or your spouse ever registered under the foreign Agents Registration Act? If so, please furnish details.

Answer: No.

8. Question: Were all your taxes (Federal, State, and local) current (filed and paid) as of the date of your nomination hearing? If not, please explain.

Answer: No. I have obtained an extension of time within which to file my income tax return for tax year 1988.

9. Question: Have all your Federal, State, and local taxes always been paid on time? If not, please explain.

Answer: 1988 is the only year that I have requested an extension of time for filing my Federal, State, and local taxes.

10. Question: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: No.

11. Question: Please advise the Committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

Answer: I am aware of none.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Johnston

12. Question: Can you explain how the Land and Water Conservation Fund works? Do you support expenditures from the Fund to acquire congressionally authorized units of the National Park and Wildlife Refuge System? What specific areas do you believe have the highest priority for limited federal acquisition dollars?

Answer: The Land and Water Conservation Fund is an account within the Treasury from which there is authorized to be appropriated up to $900 million annually in receipts from GSA surplus land sales, part of the motorboat fuels tax, and revenues from oil and gas leasing on the Outer Continental Shelf.

I support the President's budget request for $206 million in each of the next five fiscal years for the acquisition of lands that include additions to the National Wildlife Refuge and National Park Systems. This budget request represents a sustainable program of Federal land acquisition to be financed by annual appropriations.

Among my priorities for acquisition would be high-priority wetlands, endangered species habitat, nationally significant park and recreation lands, and other nationally significant natural and cultural resource areas.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Johnston

13. Question: I have been concerned for some time about what I see as the "politicization" of the Department of the Interior. We've all read stories in the press regarding the suppression of professional judgement and opinion by political appointees; people being transferred from one job to another because of their views on policy; requirements that contacts with members of congress and congressional staff be documented and submitted for review; etc.

Regardless of whether any of these charges are true, I can tell you without hesitation that there is a perception that some in the Department are more interested in the politics and ideology of issues than in professionalism and substance.

Do you believe that such a problem exists within the Department? If so, what steps can be taken to change such a perception?

Answer: I know some people have this perception. I have great respect for the dedication, experience, and expertise of the professionals of the Park Service and Fish and Wildlife Service. I will make every effort to have my management style be inclusive, responsive, and fair. I will welcome their expertise, include them in the decision-making process, and I will be accessible to them.

14. Question: What will be your personal priorities at the Department if you are confirmed?

Answer: I will diligently pursue the stewardship goals of the President and Secretary Lujan through the conservation and wise use of our natural resources. I hope to particularly emphasize employee morale, voluntarism, and cooperative partnerships between the Federal government, local and State government, conservation groups, and the private sector.

Assistant Secretary for Fish and Wildlife and Parks - Designate

Senator Johnston

15. Question: What do you believe are the most significant issues facing the National Park Service today? What about the Fish and Wildlife Service?

Answer:

The issues facing the National Park Service are as diverse as the more than 350 units of the National Park System themselves. The most difficult tasks facing the National Park Service include air and water quality, habitat management, protection of cultural resources, Park Service housing, and the maintenance and rehabilitation of an aging infrastructure.

Of the many issues facing the Fish and Wildlife Service, I am particularly concerned about the continued decline of waterfowl and numerous species of wildlife, fish, and plants which often results in their protection under the Endangered Species Act. Habitat loss and alteration have been the principal causes of these declines. I am also particularly alarmed over the continuing loss of our Nation's wetlands. President Bush has taken the lead in recognizing that we must act as a Nation to preserve what is left of this precious resource. This will be one of my most important tasks.

16. Question: As you know, the Director of one of the Bureaus you have responsibility for (the Director of the Fish and Wildlife Service) is appointed by the President and confirmed by the Senate. The Director of the National Park Service, however, is not. Do you have any thoughts on this difference? Do you personally believe that the Directors of both Bureaus should be selected in the same manner?

Answer: The Directors of the two bureaus should, above all, be qualified to carry out their missions. I believe the present system provides qualified Directors.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Johnston

17. Question: What, in your opinion, is the most significant conservation initiative to come from the Department of the Interior in the past 5 years?

Answer: Several recent conservation initiatives from the Department of the Interior are significant, including the recent African elephant ivory import ban, the signing and implementation of the North American Waterfowl Management Plan, and the President's FY 1990 proposed Land and Water Conservation Fund budget for Federal land acquisitions.

18. Question: In your committee questionnaire under Financial statement, you answered that you had not yet filed your Federal income tax for 1988.

Have you now filed? If not, why?

Answer: My Federal income tax return for 1988 will be filed as soon as my accountant finishes reviewing my draft Federal income tax form.

Question: Are you now in compliance with the provisions of the Internal Revenue code? Please explain your answer.

Answer: I have obtained an extension of time within which to file my income tax return for 1988 and, therefore, am in compliance with the provisions of the Internal Revenue Code.

21-587 O - 89 - 7

Assistant Secretary for Fish and Wildlife and Parks - Designate

Senator Johnston

Question: The bird depredation problem in commercial catfish ponds has reached a very serious point. The primary problem is with the Double-Crested Cormorant, a strictly fish eating bird. This species has experienced a large population growth during the past five to eight years. By coincidence, this growth has coincided with the expansion of catfish farms in Louisiana and throughout the South. Oftentimes, thousands of Double-Crested Cormorants will descend on a catfish pond, with each bird consuming one to two pounds of fish per day, a practice that is seriously injuring catfish farmers.

I have been advised that the Fish and Wildlife Service will issue limited-kill permits to farmers who wish to protect their catfish farms from Cormorant invasion; however, these permits arbitrarily limit such killings to ten birds. Obviously, killing ten birds will not solve the problem of a catfish farmer when his ponds are being attacked by thousands of birds.

What competing interests are involved in efforts to contain Cormorant destruction of catfish ponds?

What steps does the Department intend to take to address this serious problem, thus providing meaningful relief to catfish farmers?

Answer: Both the Migratory Bird Treaty Act and the Migratory Bird Conservation Act need to be taken into account in addressing this bird depradation problem in commercial catfish ponds. Coupled with strong public interest in the welfare of the Double-Crested Cormorant, the Service must proceed carefully in formulating programs that provide for their taking to be certain their populations are not adversely impacted. Although the aquaculture species are not protected by Federal law as is the Cormorant, the Fish and Wildlife Service supports the aquaculture industry and is taking an active role in resolving the conflict between these interests.

Under the Aquaculture Act, the Fish and Wildlife Service shares responsibility to foster the industry with the Department of Agriculture. The Service has met with the industry to determine the scope of the problem and the competing concerns. These meetings are continuing and a task force to address the bird depredation problem from both biological and permitting views has been established. The Service is looking for ways to streamline the permit process that allows for sanctioned taking of the depradating birds. In addition, the task force is looking at alternative methods to control bird depradation, including pond covers and hazing techniques.

The Service has not placed a limit of 10 on the permits to take birds, as permitted take will vary, based on the biological information available.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Wallop

1. Question: Ms. Harriman, there appears to be some animosity or friction between the National Park Service, Fish and Wildlife Service, and the Assistant Secretary's office, as well as the Department of the Interior. I have reason to believe this friction is caused by all involved parties and no one can escape some assessment for its occurrence.

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Do you have any plans to deal with this situation? And if so, what are they?

Answer: Good employee morale is a prerequisite for effective and efficient operations. To enhance morale, I intend to have an inclusive management style, to rely heavily on the expertise of the professionals, and to consult continually with Congress. I also plan to reduce and streamline the paperwork and reporting required of the two agencies.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Bradley

1.A. Question: I understand that during your tenure in the Solicitor's office you may have had some involvement with preparation of regulations implementing the Reclamation Reform Act and that you may also have some overall familiarity with the reclamation program, particularly in your home state of California.

Would you please describe what you understand to be the reclamation program's impacts on fish and wildlife in California's Central Valley? If you believe that there have been adverse impacts, what opportunities would you have as Assistant Secretary to address them?

Answer: There is no doubt that the fish and wildlife resources in the Central Valley of California have been affected by Bureau of Reclamation programs. Ongoing contaminant studies by the Department are intended to provide us with a better understanding of the magnitude of the problem and a better sense of potential solutions.

I am informed that in an effort to arrive at interim solutions, the Bureau of Reclamation has identified uncommitted water available for allocation in the Central Valley Project. I intend to work closely with the Assistant Secretary for Water and Science to assure that fish and wildlife needs are considered among other competing uses.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Bradley

1.B. Question: What should the Bureau of Reclamation do, if anything, beyond those measures it has already agreed to undertake in order to improve:

1. the situation at the Kesterson Wildlife Refuge;
2. the impact of the Central Valley Project on San Francisco Bay and Delta water quality and the associated riparian environment; and
3. the status of wild salmon stocks in the Sacramento River?

Answer: I am advised that the Fish and Wildlife Service, the Bureau of Reclamation and the California Department of Fish and Game are working together to decide upon mitigation measures reflective of the President's goal of no-net-loss of wetlands. These discussions may ultimately result in the use of additional conservation measures to offset the loss of habitat at Kesterson.

While I am not familiar with all of the Bureau of Reclamation's activities in the Bay/Delta area, I am aware that the Department of the Interior has been working with the State of California in its review of water quality standards for Reclamation programs in the Bay/Delta area. As a fish and wildlife advocate within the Department, I would urge the Secretary to continue this policy.

Finally, I am advised the Bureau of Reclamation is investigating a number of measures that would improve the status of wild salmon stocks in the Sacramento River.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Bradley

1.C. Question: Would you please describe what you understand to be the Bureau of Reclamation's responsibilities with respect to protection of fish and wildlife?

Answer: The Bureau of Reclamation, like other Federal agencies, has statutory obligations to protect fish and wildlife. For example, the Bureau must coordinate certain of its activities with the Fish and Wildlife Service.

The Bureau exercises its responsibilities under the general wildlife statutes and specific project authorizations that recognize fish and wildlife purposes for the projects.

I am informed that the Bureau of Reclamation and the Fish and Wildlife Service are currently developing agreements allowing the two agencies to work more closely together in the management of these resources. I believe there is potential for increased cooperative efforts between these two agencies and I plan to work with the Assistant Secretary for Water and Science to encourage greater cooperation.

1.D. Question: Would an aggressive agricultural water conservation plan for the Central Valley Project assist the State and the U.S. Fish and Wildlife Service in meeting the needs of the region's fish and wildlife? What do you think should be done in this regard?

Answer: I am informed that, the Bureau of Reclamation is currently conducting a water supply study of the Central Valley Project in consultation with the Fish and Wildlife Service and the State of California which should be completed this year. If a firm commitment can be obtained to use conserved water for wildlife management areas, refuges, and instream flow needs for anadromous fish, all these natural resources would benefit.

I intend to work closely with the Assistant Secretary for Water and Science to determine the distribution of unallocated water supplies within the Central Valley water management system and to enhance fish and wildlife resources.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Bradley

1.E. Question: Will you commit that within one year after your confirmation you will provide this Committee with your specific recommendations on how the reclamation program should be changed, if at all, to better meet the Interior Department's responsibilities under the Migratory Bird Treaty, Pacific Salmon Treaty, National Wildlife Refuge System Administration Act, Wild and Scenic Rivers Act, Endangered Species Act, Clean Water Act, Clean Air Act, NEPA and other laws designed to benefit fish and wildlife?

Answer: I would be pleased to provide the Committee with recommendations in consultation with others in the Department. I will make every effort to meet your one-year deadline.

1.F. Question: Should the President's "no net loss of wetlands" policy apply in the case of the Kesterson Refuge clean-up?

Answer: I support the comprehensive goal of "no net loss of wetlands" and believe it should be a foremost consideration in our resource management decisions. In the case of the Kesterson Refuge, I understand the Secretary has directed the Bureau of Reclamation and the Fish and Wildlife Service to review the Kesterson mitigation plan to determine consistency with the President's commitment to no net loss of wetlands.

Senator Bradley

2. Question: Outgoing Interior Solicitor Ralph Tarr issued an opinion last year stating, in essence, that the Department had no obligation to conduct a NEPA analysis prior to renewing Central Valley Project water supply contracts. Just two weeks ago, the President's Council on Environmental Quality issued an opinion stating that Solicitor Tarr was wrong about the Department's responsibilities under NEPA, and that a thorough environmental analysis is required prior to renewing the contracts. The Department can choose to accept or reject the CEQ opinion.

A. As a lawyer yourself, which opinion do you think holds water? Which opinion is more likely to help the State of California do the planning needed to meet its future water requirements?

Answer: Not having read either opinion, I must defer to the Bureau of Reclamation and the Solicitor's interpretation of the 1956 Reclamation Act. In any case, the Secretary has directed the Bureau to conduct environmental studies concerning the effects of renewing water contracts in the San Joaquin River Basin.

B. What do you think the Department should do in response to the CEQ opinion?

Answer: It is my understanding that the Department has the CEQ Chairman's recommendations under advisement. The issue of the Department's obligation to review proposed contract renewals under NEPA is also currently in litigation. Therefore, it would be premature for me to comment further at this time.

C. Can the Department of the Interior use NEPA to review the proposed contract renewals even if it isn't required to do so by law?

Answer: The agencies have broad discretion to conduct environmental reviews under the CEQ regulations.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Nickles

1. Question: River bottoms comprise some of the most productive farm land in Oklahoma. I have been informed that the USFWS has requested the deed to approximately 5000 acres of McCurtain County, Oklahoma farmland which has been foreclosed upon by the Farmers Home Administration. Apparently, this action has been taken under the authority of Executive Order #11990.

Could you please explain the history of this authority?

Answer: In response to a growing concern over the status of wetlands, Executive Order #11990 was developed under President Carter and signed on May 24, 1977. It directs Federal agencies to take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance them. In May 1987 the Fish and Wildlife Service and the Farmers Home Administration (FmHA) signed a Memorandum of Understanding outlining consultation procedures to be followed by the agencies with specific emphasis on the Fish and Wildlife Service's assistance to FmHA in meeting FmHA's responsibilities to protect and enhance wetland resources under this Executive Order.

2. Question: When the Farmers Home Administration acquires farm land through foreclosure, is the USFWS required to place a conservation easement on that land?

May farming still take place on such land if an approved conservation plan is utilized to minimize erosion?

Answer: The Fish and Wildlife Service is not required to place a conservation easement on foreclosed land, but acts only as a technical consultant to the Farmers Home Administration on fish and wildlife resource conservation issues, including the granting of conservation easements. In the case where lands are subject to conservation easements, I am advised that farming can take place on foreclosed land if it is allowed under the terms of the easement.

3. Question: Have any wetlands in the area of the Little River National Wildlife Refuge been transferred to the USFWS from the Farmers Home Administration inventory?

Were former owners of this land notified prior to its transfer to the USFWS, or were other farmers in the area notified of its availability?

Answer: I am informed that no wetlands in the area of Little River National Wildlife Refuge have been transferred to the Fish and Wildlife Service.

Assistant Secretary for Fish and Wildlife and Parks - Designate

Senator Burns

1. Question: Do you support the reintroduction of wolves into Yellowstone National Park?

Answer: Pursuant to directions from Congress in the FY 1989 Appropriations Act, the National Park Service, with the assistance of the Fish and Wildlife Service, four universities, and others, is engaged in studies addressing issues raised by this subject. Before reaching any decision on this matter, I would want all available data on the effect reintroduction would have on wildlife and livestock outside the Park, and human activities both inside and outside the Park.

I intend to carefully review the information compiled in the FY 1989 studies as part of a broader effort to obtain the necessary data. I also will discuss the issue of wolf reintroduction with concerned parties and Congressional delegations.

2. Question: Do you agree with the Park Service current campaign to reintroduce the wolf?

Answer: I am advised that former NPS Director William Mott established a Wolf Education Task Force and supported wolf reintroduction in Yellowstone National Park. I am told that he initiated that effort because he believed a better educated public could judge the controversial issue of wolf reintroduction. I believe this issue should be approached objectively on the basis of scientific information. In addition, the views of affected citizens must be carefully considered.

3. Question: If introduced, would you support the delisting of the wolf outside the boundary of the national park?

Answer: I am aware that the "experimental population" provisions of the 1982 amendments to the Endangered Species Act permit managing an introduced wolf population in Yellowstone differently from other endangered wolf populations. In particular, the 1982 amendments would allow a wolf depredation control program to be established for any wolves which venture outside Yellowstone Park. I am told that there is no consensus in the scientific community on how a depredation program should be structured.

While the 1982 amendments provide greater flexibility for dealing with wolves in Yellowstone Park and its adjacent lands, the reintroduction of the wolf in the Park by itself may not be an adequate basis for delisting the Rocky Mountain wolf.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Burns

4. Question: If introduced, how would you suggest stockgrowers be compensated for predation?

Answer: I am aware that several compensation proposals have been discussed. After obtaining specifics on these proposals, I will be better able to evaluate them. This difficult issue should be addressed before implementation of a reintroduction plan.

5. Question: Are you in favor of the proposed joint Forest Service-Park Service Visitor Information Center near West Glacier, Montana?

Answer: I am unfamiliar with the details of this proposal; however, I am aware that joint visitor centers have been developed elsewhere in the National Park System. I would be inclined to support joint development that is authorized by existing authorities, improves visitor services, and reduces costs.

6. Question: Do you favor the delisting of the grizzly bear in the northern continental divide ecosystem?

Answer: I am in agreement with the goal of the Fish and Wildlife Service to promote recovery of listed species and eventually obviate the need for the protective measures of the Endangered Species Act. I certainly support delisting when recovery has occurred. In the case of the grizzly bear, I understand that the status of the bear has improved in some areas. I am informed that the grizzly bear is being now studied at the present time to determine whether it can meet existing recovery goals and be delisted in part of its range.

7. Question: What suggestions do you have to keep the bison in Yellowstone National Park sized to their habitat carrying capacity?

Answer: Some bison have made seasonal migrations outside the Park, but this does not necessarily mean they have exceeded their carrying capacity. I understand that such migratory tendencies may be related to many factors, only one of which is the food supply. Two of the three populations in the Park do not migrate outside Park boundaries.

If the herd continues to expand, some type of limitation or reduction becomes necessary.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Burns

8. Question: Did you get a chance to look into the concerns of the permittees who have lost grazing privileges when the Fish and Wildlife Service took over administration of the Charles Russell National Wildlife Refuge?
(apparently the F&WL Service has fenced off some of the pastures and water sources on leases previously administered by the BLM)

Answer: I have not yet had an opportunity to look into this matter. If confirmed, I will do so. I have been advised by the Fish and Wildlife Service that some permittees have been required to have fences on their pastures. Nevertheless, the policy of the Service is to assure that all livestock have access to water.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Honorable J. Bennett Johnston
United States Senate
Washington, D.C. 20510

Dear Senator Johnston:

I am enclosing my responses to your questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

I look forward to working with you in the future. If I can be of further assistance to you, please let me know.

Sincerely,

Constance B. Harriman

Constance B. Harriman
Assistant Secretary for Fish,
Wildlife and Parks-Designate

Enclosures

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Johnston

1. Question: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: No.

2. Question: Have you ever been convicted (including a plea of guilty or nolo contendre) of any criminal violation other than a minor traffic offense?

Answer: No.

3. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer: No.

4. Question: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

5. Question: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Johnston

6. Question: During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

Answer: No.

7. Question: Have you or your spouse ever registered under the foreign Agents Registration Act? If so, please furnish details.

Answer: No.

8. Question: Were all your taxes (Federal, State, and local) current (filed and paid) as of the date of your nomination hearing? If not, please explain.

Answer: No. I have obtained an extension of time within which to file my income tax return for tax year 1988.

9. Question: Have all your Federal, State, and local taxes always been paid on time? If not, please explain.

Answer: 1988 is the only year that I have requested an extension of time for filing my Federal, State, and local taxes.

10. Question: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: No.

11. Question: Please advise the Committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

Answer: I am aware of none.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Johnston

12. Question: Can you explain how the Land and Water Conservation Fund works? Do you support expenditures from the Fund to acquire congressionally authorized units of the National Park and Wildlife Refuge System? What specific areas do you believe have the highest priority for limited federal acquisition dollars?

Answer: The Land and Water Conservation Fund is an account within the Treasury from which there is authorized to be appropriated up to $900 million annually in receipts from GSA surplus land sales, part of the motorboat fuels tax, and revenues from oil and gas leasing on the Outer Continental Shelf.

I support the President's budget request for $206 million in each of the next five fiscal years for the acquisition of lands that include additions to the National Wildlife Refuge and National Park Systems. This budget request represents a sustainable program of Federal land acquisition to be financed by annual appropriations.

Among my priorities for acquisition would be high-priority wetlands, endangered species habitat, nationally significant park and recreation lands, and other nationally significant natural and cultural resource areas.

13. Question: I have been concerned for some time about what I see as the "politicization" of the Department of the Interior. We've all read stories in the press regarding the suppression of professional judgement and opinion by political appointees; people being transferred from one job to another because of their views on policy; requirements that contacts with members of congress and congressional staff be documented and submitted for review; etc.

Regardless of whether any of these charges are true, I can tell you without hesitation that there is a perception that some in the Department are more interested in the politics and ideology of issues than in professionalism and substance.

Do you believe that such a problem exists within the Department? If so, what steps can be taken to change such a perception?

Answer: I know some people have this perception. I have great respect for the dedication, experience, and expertise of the professionals of the Park Service and Fish and Wildlife Service. I will make every effort to have my management style be inclusive, responsive, and fair. I will welcome their expertise, include them in the decision-making process, and I will be accessible to them.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Johnston

14. Question: What will be your personal priorities at the Department if you are confirmed?

Answer: I will diligently pursue the stewardship goals of the President and Secretary Lujan through the conservation and wise use of our natural resources. I hope to particularly emphasize employee morale, voluntarism, and cooperative partnerships between the Federal government, local and State government, conservation groups, and the private sector.

15. Question: What do you believe are the most significant issues facing the National Park Service today? What about the Fish and Wildlife Service?

Answer:

The issues facing the National Park Service are as diverse as the more than 350 units of the National Park System themselves. The most difficult tasks facing the National Park Service include air and water quality, habitat management, protection of cultural resources, Park Service housing, and the maintenance and rehabilitation of an aging infrastructure.

Of the many issues facing the Fish and Wildlife Service, I am particularly concerned about the continued decline of waterfowl and numerous species of wildlife, fish, and plants which often results in their protection under the Endangered Species Act. Habitat loss and alteration have been the principal causes of these declines. I am also particularly alarmed over the continuing loss of our Nation's wetlands. President Bush has taken the lead in recognizing that we must act as a Nation to preserve what is left of this precious resource. This will be one of my most important tasks.

16. Question: As you know, the Director of one of the Bureaus you have responsibility for (the Director of the Fish and Wildlife Service) is appointed by the President and confirmed by the Senate. The Director of the National Park Service, however, is not. Do you have any thoughts on this difference? Do you personally believe that the Directors of both Bureaus should be selected in the same manner?

Answer: The Directors of the two bureaus should, above all, be qualified to carry out their missions. I believe the present system provides qualified Directors.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Johnston

17. Question: What, in your opinion, is the most significant conservation initiative to come from the Department of the Interior in the past 5 years?

Answer: Several recent conservation initiatives from the Department of the Interior are significant, including the recent African elephant ivory import ban, the signing and implementation of the North American Waterfowl Management Plan, and the President's FY 1990 proposed Land and Water Conservation Fund budget for Federal land acquisitions.

18. Question: In your committee questionnaire under Financial statement, you answered that you had not yet filed your Federal income tax for 1988.

Have you now filed? If not, why?

Answer: My Federal income tax return for 1988 will be filed as soon as my accountant finishes reviewing my draft Federal income tax form.

Question: Are you now in compliance with the provisions of the Internal Revenue code? Please explain your answer.

Answer: I have obtained an extension of time within which to file my income tax return for 1988 and, therefore, am in compliance with the provisions of the Internal Revenue Code.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

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Question: The bird depredation problem in commercial catfish ponds has reached a very serious point. The primary problem is with the Double-Crested Cormorant, a strictly fish eating bird. This species has experienced a large population growth during the past five to eight years. By coincidence, this growth has coincided with the expansion of catfish farms in Louisiana and throughout the South. Oftentimes, thousands of Double-Crested Cormorants will descend on a catfish pond, with each bird consuming one to two pounds of fish per day, a practice that is seriously injuring catfish farmers.

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Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Honorable Malcolm Wallop
United States Senate
Washington, D.C. 20510

Dear Senator Wallop:

I am enclosing my responses to your questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

I look forward to working with you in the coming months. If I can be of further assistance to you, please let me know.

Sincerely,

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Assistant Secretary for Fish,
Wildlife and Parks-Designate

Enclosures

Assistant Secretary for Fish and
Wildlife and Parks - Designate

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Answer: Good employee morale is a prerequisite for effective and efficient operations. To enhance morale, I intend to have an inclusive management style, to rely heavily on the expertise of the professionals, and to consult continually with Congress. I also plan to reduce and streamline the paperwork and reporting required of the two agencies.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Honorable Bill Bradley
United States Senate
Washington, D.C. 20510

Dear Senator Bradley:

I am enclosing my responses to the questions you asked during my confirmation hearing as well as the questions you submitted for the record following the hearing before the Senate Energy Committee on July 12.

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Wildlife and Parks-Designate

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Wildlife and Parks - Designate

Senator Bradley

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Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Bradley

1.B. Question: What should the Bureau of Reclamation do, if anything, beyond those measures it has already agreed to undertake in order to improve:

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Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Bradley

1.D. Question: Would an aggressive agricultural water conservation plan for the Central Valley Project assist the State and the U.S. Fish and Wildlife Service in meeting the needs of the region's fish and wildlife? What do you think should be done in this regard?

Answer: I am informed that, the Bureau of Reclamation is currently conducting a water supply study of the Central Valley Project in consultation with the Fish and Wildlife Service and the State of California which should be completed this year. If a firm commitment can be obtained to use conserved water for wildlife management areas, refuges, and instream flow needs for anadromous fish, all these natural resources would benefit.

I intend to work closely with the Assistant Secretary for Water and Science to determine the distribution of unallocated water supplies within the Central Valley water management system and to enhance fish and wildlife resources.

1.E. Question: Will you commit that within one year after your confirmation you will provide this Committee with your specific recommendations on how the reclamation program should be changed, if at all, to better meet the Interior Department's responsibilities under the Migratory Bird Treaty, Pacific Salmon Treaty, National Wildlife Refuge System Administration Act, Wild and Scenic Rivers Act, Endangered Species Act, Clean Water Act, Clean Air Act, NEPA and other laws designed to benefit fish and wildlife?

Answer: I would be pleased to provide the Committee with recommendations in consultation with others in the Department. I will make every effort to meet your one-year deadline.

1.F. Question: Should the President's "no net loss of wetlands" policy apply in the case of the Kesterson Refuge clean-up?

Answer: I support the comprehensive goal of "no net loss of wetlands" and believe it should be a foremost consideration in our resource management decisions. In the case of the Kesterson Refuge, I understand the Secretary has directed the Bureau of Reclamation and the Fish and Wildlife Service to review the Kesterson mitigation plan to determine consistency with the President's commitment to no net loss of wetlands.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Bradley

2. Question: Outgoing Interior Solicitor Ralph Tarr issued an opinion last year stating, in essence, that the Department had no obligation to conduct a NEPA analysis prior to renewing Central Valley Project water supply contracts. Just two weeks ago, the President's Council on Environmental Quality issued an opinion stating that Solicitor Tarr was wrong about the Department's responsibilities under NEPA, and that a thorough environmental analysis is required prior to renewing the contracts. The Department can choose to accept or reject the CEQ opinion.

A. As a lawyer yourself, which opinion do you think holds water? Which opinion is more likely to help the State of California do the planning needed to meet its future water requirements?

Answer: Not having read either opinion, I must defer to the Bureau of Reclamation and the Solicitor's interpretation of the 1956 Reclamation Act. In any case, the Secretary has directed the Bureau to conduct environmental studies concerning the effects of renewing water contracts in the San Joaquin River Basin.

B. What do you think the Department should do in response to the CEQ opinion?

Answer: It is my understanding that the Department has the CEQ Chairman's recommendations under advisement. The issue of the Department's obligation to review proposed contract renewals under NEPA is also currently in litigation. Therefore, it would be premature for me to comment further at this time.

C. Can the Department of the Interior use NEPA to review the proposed contract renewals even if it isn't required to do so by law?

Answer: The agencies have broad discretion to conduct environmental reviews under the CEQ regulations.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Honorable Don Nickles
United States Senate
Washington, D.C. 20510

Dear Senator Nickles:

I am enclosing my responses to your questions for the record following my confirmation hearing before the Senate Energy Committee on July 12.

I look forward to working with you in the coming months. If I can be of further assistance to you, please let me know.

Sincerely,

Constance B. Harriman
Assistant Secretary for Fish,
Wildlife and Parks-Designate

Enclosures

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Nickles

1. Question: River bottoms comprise some of the most productive farm land in Oklahoma. I have been informed that the USFWS has requested the deed to approximately 5000 acres of McCurtain County, Oklahoma farmland which has been foreclosed upon by the Farmers Home Administration. Apparently, this action has been taken under the authority of Executive Order #11990.

Could you please explain the history of this authority?

Answer: In response to a growing concern over the status of wetlands, Executive Order #11990 was developed under President Carter and signed on May 24, 1977. It directs Federal agencies to take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance them. In May 1987 the Fish and Wildlife Service and the Farmers Home Administration (FmHA) signed a Memorandum of Understanding outlining consultation procedures to be followed by the agencies with specific emphasis on the Fish and Wildlife Service's assistance to FmHA in meeting FmHA's responsibilities to protect and enhance wetland resources under this Executive Order.

2. Question: When the Farmers Home Administration acquires farm land through foreclosure, is the USFWS required to place a conservation easement on that land?

May farming still take place on such land if an approved conservation plan is utilized to minimize erosion?

Answer: The Fish and Wildlife Service is not required to place a conservation easement on foreclosed land, but acts only as a technical consultant to the Farmers Home Administration on fish and wildlife resource conservation issues, including the granting of conservation easements. In the case where lands are subject to conservation easements, I am advised that farming can take place on foreclosed land if it is allowed under the terms of the easement.

3. Question: Have any wetlands in the area of the Little River National Wildlife Refuge been transferred to the USFWS from the Farmers Home Administration inventory?

Were former owners of this land notified prior to its transfer to the USFWS, or were other farmers in the area notified of its availability?

Answer: I am informed that no wetlands in the area of Little River National Wildlife Refuge have been transferred to the Fish and Wildlife Service.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Honorable Conrad Burns
United States Senate
Washington, D.C. 20510

Dear Senator Burns:

I am enclosing my responses to the questions you asked during my confirmation hearing as well as the questions you submitted for the record following the hearing before the Senate Energy Committee on July 12.

I look forward to working with you in the coming months. If I can be of further assistance to you, please let me know.

Sincerely,

Constance B. Harriman
Assistant Secretary for Fish,
Wildlife and Parks-Designate

Enclosures

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Burns

1. Question: Do you support the reintroduction of wolves into Yellowstone National Park?

Answer: Pursuant to directions from Congress in the FY 1989 Appropriations Act, the National Park Service, with the assistance of the Fish and Wildlife Service, four universities, and others, is engaged in studies addressing issues raised by this subject. Before reaching any decision on this matter, I would want all available data on the effect reintroduction would have on wildlife and livestock outside the Park, and human activities both inside and outside the Park.

I intend to carefully review the information compiled in the FY 1989 studies as part of a broader effort to obtain the necessary data. I also will discuss the issue of wolf reintroduction with concerned parties and Congressional delegations.

2. Question: Do you agree with the Park Service current campaign to reintroduce the wolf?

Answer: I am advised that former NPS Director William Mott established a Wolf Education Task Force and supported wolf reintroduction in Yellowstone National Park. I am told that he initiated that effort because he believed a better educated public could judge the controversial issue of wolf reintroduction. I believe this issue should be approached objectively on the basis of scientific information. In addition, the views of affected citizens must be carefully considered.

3. Question: If introduced, would you support the delisting of the wolf outside the boundary of the national park?

Answer: I am aware that the "experimental population" provisions of the 1982 amendments to the Endangered Species Act permit managing an introduced wolf population in Yellowstone differently from other endangered wolf populations. In particular, the 1982 amendments would allow a wolf depredation control program to be established for any wolves which venture outside Yellowstone Park. I am told that there is no consensus in the scientific community on how a depredation program should be structured.

While the 1982 amendments provide greater flexibility for dealing with wolves in Yellowstone Park and its adjacent lands, the reintroduction of the wolf in the Park by itself may not be an adequate basis for delisting the Rocky Mountain wolf.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Burns

4. Question: If introduced, how would you suggest stockgrowers be compensated for predation?

Answer: I am aware that several compensation proposals have been discussed. After obtaining specifics on these proposals, I will be better able to evaluate them. This difficult issue should be addressed before implementation of a reintroduction plan.

5. Question: Are you in favor of the proposed joint Forest Service-Park Service Visitor Information Center near West Glacier, Montana?

Answer: I am unfamiliar with the details of this proposal; however, I am aware that joint visitor centers have been developed elsewhere in the National Park System. I would be inclined to support joint development that is authorized by existing authorities, improves visitor services, and reduces costs.

6. Question: Do you favor the delisting of the grizzly bear in the northern continental divide ecosystem?

Answer: I am in agreement with the goal of the Fish and Wildlife Service to promote recovery of listed species and eventually obviate the need for the protective measures of the Endangered Species Act. I certainly support delisting when recovery has occurred. In the case of the grizzly bear, I understand that the status of the bear has improved in some areas. I am informed that the grizzly bear is being now studied at the present time to determine whether it can meet existing recovery goals and be delisted in part of its range.

7. Question: What suggestions do you have to keep the bison in Yellowstone National Park sized to their habitat carrying capacity?

Answer: Some bison have made seasonal migrations outside the Park, but this does not necessarily mean they have exceeded their carrying capacity. I understand that such migratory tendencies may be related to many factors, only one of which is the food supply. Two of the three populations in the Park do not migrate outside Park boundaries.

If the herd continues to expand, some type of limitation or reduction becomes necessary.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Burns

8. Question: Did you get a chance to look into the concerns of the permittees who have lost grazing privileges when the Fish and Wildlife Service took over administration of the Charles Russell National Wildlife Refuge?
(apparently the F&WL Service has fenced off some of the pastures and water sources on leases previously administered by the BLM)

Answer: I have not yet had an opportunity to look into this matter. If confirmed, I will do so. I have been advised by the Fish and Wildlife Service that some permittees have been required to have fences on their pastures. Nevertheless, the policy of the Service is to assure that all livestock have access to water.